

October 4, 2019

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Commonwealth of Massachusetts - Registry of Motor Vehicles
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Dear Mr. Tesler:

Pursuant to our engagement agreement and related statement of work between Grant Thornton LLP and the Commonwealth of Massachusetts - Registry of Motor Vehicles, executed on July 10, 2019, attached please find our Final Report. The Final Report updates and supersedes our Preliminary Report issued on August 16, 2019.

We appreciate the opportunity to be of assistance to the Commonwealth of Massachusetts - Registry of Motor Vehicles.

Kind regards,



Jimmy S. Pappas
Partner
Grant Thornton LLP

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**COMMONWEALTH OF MASSACHUSETTS
REGISTRY OF MOTOR VEHICLES**

**GRANT THORNTON LLP
FINAL REPORT
OCTOBER 4, 2019**

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I. INTRODUCTION AND ASSIGNMENT OBJECTIVES

Grant Thornton LLP (“Grant Thornton”, “we”, “us”, “our”) was retained by the Commonwealth of Massachusetts (“Massachusetts”) – Registry of Motor Vehicles (the “RMV”) pursuant to the provisions of our engagement agreement and related statement of work executed on July 10, 2019.

Grant Thornton’s scope of work includes the following:¹

1. Conducting a root cause analysis with respect to the circumstances that prevented the RMV’s timely revocation of a Massachusetts commercial driver’s license, or CDL, following an out of state notification of a disqualifying event as has been widely and publicly reported.
2. Gaining an understanding of processes, internal controls, and policies with respect to the timely processing by the RMV of state-to-state notices of motor vehicle violations.
3. Recommending improvements with respect to risk management, internal controls, protocols, and policies impacting the effectiveness and efficiency of RMV responses to reports of state-to-state motor vehicle violations that may warrant or require the suspension or revocation of passenger and/or commercial driver licenses.
4. Reviewing the RMV’s organizational structure and making recommendations, as necessary, to establish clear lines of responsibility and accountability for responding to state-to-state communications about motor vehicle violations and administering license suspensions and revocations for passenger and commercial vehicle licenses.
5. Other related services, as requested by the RMV.

Our engagement agreement and related statement of work stipulate the following: a) Grant Thornton retains sole discretion with respect to the contents of any of its deliverables (such as reports) including but not limited to conclusions, opinions, recommendations and tasks it must undertake to reach such conclusions, opinions and recommendations, and b) the RMV may not reject a Grant Thornton deliverable because it disagrees with the conclusions reflected in such deliverable.

Our engagement agreement and related statement of work provide for the issuance of a preliminary report at a date to be mutually agreed upon by Grant Thornton and the RMV, and the issuance of a final report 60 days subsequent to our formal engagement date, unless the RMV and Grant Thornton mutually agree to an extension. On August 16, 2019, Grant Thornton issued a Preliminary Report. Subsequently, the RMV and Grant Thornton agreed to extend the date of the final report in order to provide the Massachusetts Department of Transportation with the time it needed to produce all requested documentation. Our final report, herein, updates and supersedes our Preliminary Report.

¹ Engagement agreement and related statement of work between Grant Thornton and the RMV, executed on July 10, 2019.

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II. LIMITATIONS AND DISCLAIMERS

A. Standards of Performance

Our services were provided in accordance with the Statement on Standards for Consulting Services promulgated by the American Institute of Certified Public Accountants (the “AICPA”) and, accordingly, neither constitute a rendering by Grant Thornton or its partners or staff of any legal advice, nor do they include the compilation, review, or audit of financial statements, as defined by the AICPA.

Our scope of work is as set out in our engagement agreement and related statement of work and is described in this report. Our services do not constitute an audit, review, or compilation in accordance with relevant auditing and attestation standards and, consequently, we do not express an opinion pursuant to those standards. Because our services are limited in nature and scope, they cannot be relied upon to discover all documents and other information or provide all analyses that may be of importance in this matter.

B. Limitations on Distribution

This report is restricted for the use of the parties subject to our engagement agreement and related statement of work, and should not be disclosed to unauthorized third parties. We have not and shall not be deemed to assume any duties or obligations to any third party. This report is limited to the specific scope of work agreed to with the RMV and as specified in our engagement agreement and related statement of work. Our report may not be copied, reproduced, disseminated, distributed, or otherwise made available to any third party, in whole or in part, without the express prior written consent of Grant Thornton. Grant Thornton’s consent may be withheld for any reason. In preparing this report, Grant Thornton used professional care and diligence and relied upon the information provided by the RMV, and other sources, for our analysis. No representation or warranty, express or implied, is made by Grant Thornton as to the accuracy or completeness of the information relied upon and included in this report.

Grant Thornton acknowledges and accepts that all information and records supplied to and created for the RMV are public records and subject to public disclosure, and in the normal course of its duties, the RMV may also use this information to prepare related documents that are released to the public. Notwithstanding the RMV’s permission to use the information provided, any work product, deliverables, or documents delivered by Grant Thornton shall be released only as redacted in accordance with law or with the prior written permission of Grant Thornton. This report is not to be used for any other purpose, and we specifically disclaim any responsibility for losses or damages incurred through the use of this report for a purpose other than as described in our engagement agreement and related statement of work.

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III. DEFINED TERMS

The following terms are defined in and used throughout this report. They are also included here for reference purposes.

1. **“AAMVA”** – American Association of Motor Vehicle Administrators. “AAMVA has been designated by FMCSA [see below] as the system operator of CDLIS [see below]. AAMVA is responsible for the CDLIS Central Site [see below] and the telecommunications network used by CDLIS. In addition, AAMVA defines the messages and transactions used in CDLIS, and provide help desk support for CDLIS.”²
2. **AAMVAnet** – “The telecommunication network that electronically links all Motor Vehicle Departments, the CDLIS Central Site, the NDR [see below], and other public and private sector authorized users.”³
3. **“ACD”** – AAMVA Code Dictionary. A list of codes that are used to categorize and transmit driver conviction and withdrawal data between states.⁴
4. **“ALARS”** – Automated License and Registration System. ALARS is the database used by the RMV to store and manage the driving records and registered vehicles in Massachusetts.⁵ “ALARS is the RMV’s legacy recordkeeping system which is being transitioned to a new system called ATLAS.”⁶
5. **ATLAS** – “A browser based software used by the RMV to manage and maintain records. Designed as a replacement for ALARS, the current version contains functionality focused on Driver Services. Vehicle services will be incorporated into ATLAS in November of 2019, at which time ALARS will be decommissioned.”⁷
6. **“BAC”** – Blood Alcohol Concentration. “A measurement of the content of alcohol within the blood.”⁸
7. **“CDL”** – Commercial Driver’s License. “A license issued by a State or other jurisdiction...to an individual which authorizes the individual to operate a class of a commercial motor vehicle.”⁹
8. **“CDLIS”** – Commercial Driver’s License Information System. “A United States-wide network composed of (1) the distributed database that stores information about commercial drivers...and (2) the associated hardware and software used to manage the commercial driver information.”¹⁰
9. **CDLIS Central Site** – “The node on AAMVAnet that maintains the CDLIS Master Pointer Records, processes a number of transactions between jurisdictions, and reports CDLIS activity to FMCSA.”¹¹
10. **Class D** – A driver’s license for passenger vehicles, vans, and small trucks.¹²
11. **Conviction** – “An adjudication of guilt.”¹³

² AAMVA CDLIS State Procedures Manual Release 5.3.3 dated December 2015 pg. 6.

³ Ibid. pg. 172.

⁴ Ibid.

⁵ ALARS & ATLAS: Inquiry Manual dated 2019 pg. 69.

⁶ Ibid. pg. 6.

⁷ Ibid. pg. 61.

⁸ ACD AAMVA Code Dictionary Manual Release 5.2 dated 2018 pg. 138.

⁹ Ibid.

¹⁰ AAMVA CDLIS State Procedures Manual Release 5.3.3 dated December 2015 pg. 1.

¹¹ Ibid. pg. 174.

¹² Massachusetts Driver’s Manual dated March 2019 pg. 1.

¹³ AAMVA CDLIS State Procedures Manual Release 5.3.3 dated December 2015 pg. 174.

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12. **“DCU”** – Driver Control Unit. A department within the RMV whose mission is to “ensure public safety by removing dangerous drivers from the Commonwealth’s roadways through the enforcement of statutorily mandated and discretionary license suspensions and revocations.”¹⁴
13. **“DLC”** – Driver License Compact, also referred to as Driver License Agreement. Created to “provide greater uniformity among the member jurisdictions when exchanging information with other members on convictions, records, licenses, withdrawals, and other data pertinent to the licensing process.”¹⁵ A step to maximize law enforcement efforts against drunk drivers and other serious traffic offenders (e.g., drunk driving, vehicle manslaughter, reckless driving, etc.).¹⁶
14. **“DOI”** – Division of Insurance. The DOI “administers the Commonwealth’s laws pertaining to the protection of the insurance consumer through the regulation of the insurance industry.”¹⁷
15. **“FAST”** – Fast Enterprises, LLC.
16. **“FCWD”** – Foreign Convictions and Withdrawals Database. “A repository for convictions and withdrawals of: 1. Canadian / Mexican CDL holders of a moving traffic violation while operating any type of vehicle. 2. Foreign drivers convicted of a moving traffic violation while operating a CMV.”¹⁸ [Note: CMV is a commercial motor vehicle.¹⁹]
17. **“FMCSA”** – Federal Motor Carrier Safety Administration. A division of the U.S. Department of Transportation responsible for monitoring state compliance with federal standards related to commercial motor vehicles.²⁰
18. **Jurisdiction(s)** – Refers to one or more of the 50 U.S. states or the District of Columbia.²¹
19. **“MassDOT”** – The Massachusetts Department of Transportation.
20. **“MA EOTSS”** – The Massachusetts Executive Office of Technology Services and Security.
21. **“MRB”** – The Merit Rating Board, a department within the RMV.
22. **“NDR”** – National Driver Register. “A central repository of information on individuals whose privilege to drive has been revoked, suspended, canceled, or denied or who have been convicted of specific Highway-Safety Related traffic offenses.”²²
23. **“OOS”** – Out-of-state.
24. **“PDPS”** – Problem Driver Pointer System. A system that allows jurisdictions and other organizations to search the NDR data for information on problem drivers provided by all 51 U.S jurisdictions. “PDPS “points” the inquiring jurisdiction to the State of Record (SOR), where an individual’s driver status and history information is stored.”²³ Provides state and federal driver’s license officials and other authorized users access to the NDR information.²⁴

¹⁴ PFC Strategy Offsite: Family Eight Executive Summary and Action Matrix dated May 4, 2016 pg. 2.

¹⁵ Driver License Compact Administrative Procedures Manual dated April 1994 pg. 1.

¹⁶ Ibid. pg. i.

¹⁷ Division of Insurance (DOI) via <https://www.mass.gov/orgs/division-of-insurance> accessed September 29, 2019.

¹⁸ Email chain between Bob Rowland and TechAnax (FMCSA contractor) on August 6, 2019 with subject “MA Paper Documents for Foreign Drivers emailed/mailed to TechAnax.”

¹⁹ ACD AAMVA Code Dictionary Manual Release 5.2 dated 2018 pg. 138.

²⁰ Ibid. pg. 139.

²¹ AAMVA CDLIS State Procedures Manual Release 5.3.3 dated December 2015 pg. 177.

²² Ibid. pg. 7.

²³ Problem Driver Pointer System (PDPS) via <https://www.aamva.org/PDPS/> accessed September 28, 2019.

²⁴ AAMVA CDLIS State Procedures Manual Release 5.3.3 dated December 2015 pg. 7.

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25. **“PFC”** – Process Family Champion. The RMV individual that supports a certain process.²⁵
26. **REAL ID** – “A Federal Security Standard for IDs that was created in 2005 as a result of increased federal security measures after the September 11, 2001 terrorist attacks.”²⁶ After October 2020, a REAL ID or a passport will be required to board flights within the United States or enter federal buildings.²⁷
27. **“RMV”** – The Massachusetts Registry of Motor Vehicles.
28. **“S2S”** – State-to-State. The S2S Verification Service is a voluntary “means for states to electronically check with all other participating states to determine if the applicant currently holds a driver license or identification card in another state.”²⁸
29. **“SOC”** – State of Conviction. “The jurisdiction in which the driver is adjudicated guilty of a violation.”²⁹
30. **SPEX** – Team within the RMV’s Driver Licensing department that supports the S2S verification service.^{30 31}
31. **Surchargeable Events** – Motor vehicle moving violations and at-fault accidents. Each surchargeable event counts toward a possible license suspension.³²
32. **“UNI”** – Unified Network Interface. “UNI’s application interface insulates an organization’s application programmers from having to deal with network-specific requirements,” and UNI provides application-programming interfaces to allow an organization’s outbound and inbound applications to exchange messages with UNI.³³
33. **Withdrawal** – “A disqualification, suspension, revocation, etc. of the driver’s license.”³⁴

²⁵ RMV Process Family Strategy Offsite Results dated June 20, 2016 pg. 2.

²⁶ REAL ID or a Standard driver’s license/ID via <https://www.mass.gov/guides/massachusetts-identification-id-requirements#-real-id-or-a-standard-driver's-license/id?> accessed September 29, 2019.

²⁷ Ibid.

²⁸ AAMVA State to State via <https://www.aamva.org/State-to-State/> accessed August 11, 2019.

²⁹ AAMVA CDLIS State Procedures Manual Release 5.3.3 dated December 2015 pg. 180.

³⁰ AAMVA State to State via <https://www.aamva.org/State-to-State/> accessed August 11, 2019.

³¹ RMV Organizational Charts as of July 1, 2019.

³² Surchargeable events – MA General Law - Part I, Title XXII, Chapter 175, Section 113B.

³³ AAMVA UNI via <https://www.aamva.org/UNI/> accessed October 1, 2019.

³⁴ AAMVA CDLIS State Procedures Manual Release 5.3.3 dated December 2015 pg. 182.

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IV. EXECUTIVE SUMMARY

On June 21, 2019, Volodymyr Zhukovskyy (“Mr. Zhukovskyy”), a holder of a Commercial Driver’s License (“CDL”) and a Class D Driver’s License (“Class D”) issued by Massachusetts,³⁵ was driving in New Hampshire when his vehicle struck and killed seven motorcyclists (the “Accident”).³⁶ Prior to the Accident, the RMV received electronic and paper notifications from Connecticut on May 29, 2019 and June 4, 2019, respectively, advising of Mr. Zhukovskyy’s refusal to take a breathalyzer test after being stopped by authorities while driving in that state, and of Connecticut’s decision to withdraw his CDL privileges effective June 10, 2019.

The handling of electronic and paper notifications was subject to separate processes and protocols by different departments within the RMV. Each of these processes failed to post the Connecticut notifications to Mr. Zhukovskyy’s driving record prior to the Accident. The RMV has concluded that had either one of these notifications been processed prior to the Accident, Mr. Zhukovskyy’s Massachusetts-issued CDL would have been revoked.

Failure to Process the Electronic Connecticut Notification – The electronic notification was received by the RMV’s Driver Services software, ATLAS, on May 29, 2019. Instead of posting directly to Mr. Zhukovskyy’s driving record, after certain system validation checks, the notification was diverted into a queue requiring manual intervention. ATLAS, by design, had been configured at the RMV not to automatically process notifications with a revocation/conviction effective date subsequent to the ATLAS notification receipt date, as such a pattern may be indicative of data integrity errors. That queue had been assigned to the SPEX unit of the RMV since the deployment of ATLAS’ first release on March 26, 2018 (“ATLAS Release 1”). SPEX, therefore, was responsible for evaluating any items within that queue.

Susan Crispin (“Ms. Crispin”), who led, and still leads SPEX, first reviewed and completed items in that queue in January 2019. Ms. Crispin stated during interviews that in a March 2019 email exchange with employees of Fast Enterprises, LLC (“FAST”), the company implementing ATLAS at the RMV, she discussed her view that certain items in that queue were erroneously labeled as items requiring posting to drivers’ records and should instead all be closed. Ms. Crispin stated that based on the email exchange with FAST, she was under the impression that she would not have to complete the items in the queue as they would be addressed through a configuration change in ATLAS. FAST opened a service ticket request to evaluate Ms. Crispin’s concerns, but as of the date of the Accident, the service ticket request was still pending evaluation. Based on email communication we have reviewed, however, Ms. Crispin appears to have been aware that even if certain items may have been erroneously labeled as items requiring posting to drivers’ records, other items in that queue were not being erroneously labeled. As such, Ms. Crispin and the SPEX unit should have been completing any items in the manual intervention queue pending any new guidance from FAST regarding a possible system configuration change. There were a total of 364 work items in that queue as of the date of the Accident, inclusive of the Connecticut notification related to Mr. Zhukovskyy, which was not erroneously labeled and which required posting to the driver’s record.

³⁵ RMV Preliminary Memorandum dated July 1, 2019.

³⁶ State of New Hampshire Request for Administrative Action dated June 24, 2019, submitted by New Hampshire State Police to the New Hampshire Director of Motor Vehicles.

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Separately, on May 29, 2019, Michael Noronha (“Mr. Noronha”), a member of the SPEX unit who reports to Ms. Crispin, accessed Mr. Zhukovskyy’s driving record. Mr. Noronha performed a work item search in ATLAS, which produced a list of work items that needed to be completed, including Mr. Zhukovskyy’s unprocessed notification from Connecticut with the phrase “*AAMVA Add Conviction*” next to Mr. Zhukovskyy’s name. Mr. Noronha clicked on that work item, resulting in a display of Mr. Zhukovskyy’s driving record in ATLAS. Under the caption of “Open Tasks” on that driving record window, the phrase “*AAMVA Add Conviction*” was displayed again. Mr. Noronha was in Mr. Zhukovskyy’s driving record for approximately seven seconds, after which Mr. Noronha exited without making any changes to the record. During an interview, Mr. Noronha stated that, at the time, he had not been trained on posting convictions to drivers’ records and that his assigned duties included working on items other than convictions. We verified with FAST that while Mr. Noronha had the system authorization to post convictions to a driving record, he had not done so prior to the Accident. It does not appear that Mr. Noronha brought the open “*AAMVA Add Conviction*” work item related to the Connecticut electronic notification to anyone else’s attention for resolution, including Ms. Crispin.

Failure to Process the Paper Connecticut Notification – The paper notification was received by the RMV on June 4, 2019. The Merit Rating Board (the “MRB”) was the department within the RMV responsible, in part, for processing paper notifications received from other states concerning infractions in those states by drivers licensed in Massachusetts. However, the MRB had effectively ceased processing paper out-of-state notifications since ATLAS Release 1. Based on interviews with the former director of the MRB, Thomas Bowes (“Mr. Bowes”), the MRB was experiencing difficulty adapting to the new technology subsequent to the deployment of ATLAS Release 1, and as a result was falling behind on processing both in-state citations and out-of-state notifications.

The impact that the deployment of ATLAS Release 1 was having on the RMV was the subject of meetings held by representatives from the RMV, MassDOT, the Governor’s Office, FAST, and consulting firm Accelare Inc., among others. During those meetings, held in a conference room in Quincy, Massachusetts dubbed the “war room” and also attended telephonically, the primary, if not only, ATLAS issue addressed was the spike in wait times that Massachusetts residents were experiencing when visiting RMV Service Centers. ATLAS, however, was deployed not only at the Service Centers, but across the RMV organization. Difficulties encountered by RMV personnel in the Service Centers, therefore, could not have been necessarily considered unique to the Service Centers.

The RMV Registrar at the time when the paper Connecticut notification was received, Erin Deveney (“Ms. Deveney”), stated in an interview with Grant Thornton that Mr. Bowes made her aware of the difficulty that MRB personnel were having in adapting to the new technology. She further stated that she communicated processing difficulties that the MRB was having to Mindy D’Arbeloff, Deputy Chief of Customer Service and Constituent Affairs in the Governor’s Office (“Ms. D’Arbeloff”), Stephanie Pollack, Secretary and CEO of the Massachusetts Department of Transportation (“Secretary Pollack”), Jamey Tesler, who at the time was the Chief of Staff to Secretary Pollack and who is currently the Acting Registrar of the RMV (“Mr. Tesler” or the “Acting Registrar”), and Jacquelyn Goddard (“Ms. Goddard”), Communications Director for the Massachusetts Department of Transportation (“MassDOT”). According to Mr. Tesler, he remembers a conversation with Ms. Deveney about difficulties within the MRB in adapting to the new ATLAS technology and the impact on operational effectiveness. Secretary Pollack stated that while she does not recall a specific

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conversation with Ms. Deveney about difficulties the MRB was experiencing, she recalls conversations about the impact of ATLAS Release 1 on the RMV in general. Both Ms. D'Arbeloff and Ms. Goddard stated that they do not recall discussing with Ms. Deveney any difficulties that the MRB was experiencing. Based on our discussion with Ms. D'Arbeloff, we understand that her focus at the RMV was on improving customer service at the Service Centers.

According to Ms. Deveney, as a result of the difficulty that the MRB was experiencing, she approved for the MRB to prioritize processing of in-state citations over out-of-state notifications, after discussing with Mr. Bowes. In describing her rationale, she stated that even if out-of-state notifications were delayed in being processed, they were already reflected in the National Driver Register ("NDR") (at least the more egregious violations) and would be applied to the driving record of a Massachusetts driver when such record was checked against the NDR during a license renewal or during any adjudication hearing in the interim. Until in-state citations were processed, however, there would be no record of the related violations in any system, Ms. Deveney stated.

On March 6, 2019, the MassDOT internal audit department ("MassDOT Audit Operations") met with Mr. Bowes to discuss the results of an audit into MRB's operations. During that meeting, MassDOT Audit Operations discussed with Mr. Bowes the existence of a backlog at the MRB of out-of-state notifications; those notifications were in open work item queues requiring further review after being entered into ATLAS. MassDOT Audit Operations drafted contemporaneous memoranda reflecting the results of its audit and discussions held with Mr. Bowes. Although those memoranda were not finalized and issued prior to the Accident, Ms. Deveney acknowledged that MassDOT Audit Operations discussed the audit findings with her prior to the Accident.

On March 19, 2019, Mr. Bowes drafted an email addressed to Ms. Deveney in which he wrote that based on his estimation, the MRB would need five full-time equivalent resources to process the backlog of out-of-state paper notifications that had built-up following ATLAS Release 1, and to be able to sustain processing of such notifications prospectively. We have not seen evidence that this email draft was transmitted; however, in an interview, Mr. Bowes stated that in the spring of 2019 he communicated to Ms. Deveney the need for five additional resources in connection with the processing of out-of-state notifications.

The RMV's failure to process the Connecticut paper notification appears to be attributed to the difficulties that the MRB encountered post-deployment of ATLAS Release 1, and to the lack of sufficient resources to address the processing of out-of-state notifications.

Backlog of out-of-state notifications in 2016 – Subsequent to the Accident, after it became apparent that the RMV had failed to process the electronic notification, the RMV discovered 72 boxes, 53 mail bins, and five banker boxes of unprocessed paper out-of-state notifications. Those notifications appear to have stopped being processed by the RMV in a systematic manner around 2013. At that time, it was the Driver Control Unit (the "DCU") of the RMV that, in part, was responsible for processing paper out-of-state notifications. Ms. Deveney stated that in 2016 she approved of a plan to transfer processing of paper out-of-state notifications from the DCU to the MRB. According to Ms. Deveney during that period, the RMV, with assistance from Accelare Inc., was examining key processes to find ways to improve operating efficiencies; she recalls meetings taking place

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during which representatives from the Governor's Office and MassDOT would usually participate. According to Ms. Deveney, the transitioning of processing paper out-of-state notifications from the DCU to the MRB was discussed in one of those meetings but she does not recall whether in that particular instance any representatives from the Governor's Office or MassDOT attended. Ms. D'Arbeloff has stated that she does not recall attending such a meeting. Similarly, representatives of Accelare Inc. we spoke to also do not recall attending such a meeting.

According to Ms. Deveney, Secretary Pollack had given her the authority to use her own discretion in deciding whether to proceed with certain projects and that the transitioning of out-of-state notifications processing from the DCU to the MRB was one of those projects for which she did not feel she needed to separately discuss with anyone outside the RMV before giving approval for the transition to take place. Secretary Pollack stated during an interview with Grant Thornton that she had no contemporaneous knowledge of the existence of the backlog or the transferring of responsibility for processing paper out-of-state notifications from the DCU to the MRB, and that she first became aware of these issues subsequent to the Accident.

Toward the end of 2016, the MRB assumed responsibility for processing paper out-of-state notifications prospectively. Around the same time, there were discussions focused on how to allow the RMV to process the backlog of out-of-state notifications that had built up since 2013, without triggering adjudications (such as suspensions) for out-of-state offenses that were over six months old as of the date of entry into the system. According to Division of Insurance personnel, Mr. Bowes informed them in a routine meeting that the MRB wished to process the backlog without triggering suspensions for older infractions. To determine what information system configuration changes would be necessary to accomplish that objective, the RMV asked a third party contractor to conduct an assessment. The contractor created a write-up of his analysis and submitted a pre-project estimate on January 6, 2017. In an interview with Grant Thornton, the contractor stated that ultimately he did not receive approval to proceed with the project but does not recall any reason being provided to him. Based on interviews we conducted with MassDOT personnel who interacted with the contractor, it is unclear why ultimately the RMV and MassDOT did not direct the contractor to make the necessary system changes so the backlog could be processed without triggering suspensions for older infractions. Based on those discussions, however, we understand that there were multiple information system projects at MassDOT waiting for approval at that time and it was a matter of prioritizing such projects in the context of the impending implementation of ATLAS, which would replace the then-existing system.

The backlog of unprocessed paper out-of-state notifications remained unprocessed until the Accident.

Contributing Factors to Failure to Process Connecticut Notifications – We have identified several factors that likely contributed to the failure of the RMV to timely process the Connecticut notifications, as discussed below:

- Massachusetts has had a long-standing policy of not prioritizing the processing of out-of-state notifications. This policy spans multiple administrations of the state government's executive branch. Specifically, Massachusetts is one of four states that is not part of the Driver License Compact, a compact among 46 member states and the District of Columbia, committed to upholding and enforcing a number of provisions including:

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- “Reporting of all traffic convictions and license suspension/revocations of out-of-state drivers to the home state licensing agency, as well as other appropriate information; and
- The assurance of uniform and predictable treatment of drivers by treating offenses committed in other states as though they have been committed in the home state.”³⁷

In an undated memorandum sent by a former RMV Legal Counsel to a former RMV Deputy General Counsel written on a letterhead listing Daniel Grabauskas as the RMV Registrar (who was the Registrar between 1999 and 2002), the RMV Legal Counsel stated:

“Not being a compact member has and would continue to present great risk to the Registry of Motor Vehicles. Drivers that current Massachusetts law requires to be suspended are not, and Massachusetts inherits many bad drivers and starts them off with clean records... it is clear that Massachusetts’s reputation suffers on a national AAMVA basis... decisions not to join focused largely on resource issues... states with lesser resources and technology have joined.”³⁸

Based on discussions with Marie Breen, the MassDOT General Counsel (the “MassDOT General Counsel”), while MassDOT was not aware of this memo prior to the Accident, it was aware of the pre-existing policy not to join the compact and continued such policy. Ms. Deveney confirmed that she was aware that the RMV did not participate in the compact.

- The RMV lacked effective operational control. ATLAS provides visibility into operating performance. Management, for example, can easily assign and monitor progress on open work item queues for various departments and identify bottlenecks and other operational impediments. An ATLAS Operation Summary Report as of May 29, 2019, a few weeks prior to the Accident and as of the date that the Connecticut electronic notification was diverted into the manual intervention queue, indicated that approximately 50% of the items in that queue were overdue by more than ninety days. Both Ms. Crispin and various RMV supervisors, but not Ms. Deveney, had subscribed to this report and, therefore, had visibility into the queues as early as July 2018. Based on discussion with Alan Macdonald, RMV Chief Operating Officer (“Mr. Macdonald”), he was not actively using this system reporting functionality to monitor workflows in the various departments prior to the Accident, although the use of that functionality has been adopted since the Accident. In addition to his role as Chief Operating Officer, Mr. Macdonald was in charge of the Road Test and Driver Licensing department within which SPEX resides. Mr. Macdonald, therefore, was a supervisor of Ms. Crispin and would have reasonably been expected to be monitoring the operations of SPEX and other units under the umbrella of the

³⁷ What is the Driver License Compact? Via <https://www.dmv.pa.gov/Pages/FAQ%20Pages/Driver-License-Compact-FAQ.aspx> accessed September 20, 2019. Note – Per AAMVA, Driver License Compacts via <https://www.aamva.org/Drivers-License-Compacts/> accessed October 4, 2019 - “The Driver License Compact (DLC) is a major step necessary to maximize law enforcement efforts against drunk drivers and other serious traffic offenders. Serious offenses such as drunk driving, vehicle manslaughter, reckless driving, etc., are no less serious when committed in some other jurisdiction than when committed in the driver’s home state. The Driver License Compact was created to provide uniformity among the member jurisdictions when exchanging information with other members on convictions, records, licenses, withdrawals, and other data pertinent to the licensing process.”

³⁸ See **Exhibit A** to this report.

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Road Test and Driver Licensing department, including the existence of open and overdue work items in ATLAS queues.

- Risk management over the RMV was inadequate. – We have identified several areas that point to an inadequate risk management over the RMV. Those include:
 - Impaired three lines of defense – Effective organizational risk management requires three functioning lines of defense. The first line of defense consists of the operational managers who own and manage risks. Operational managers are responsible for the effective operation of internal controls and for executing risk and control procedures on a day-to-day basis. For example, Ms. Crispin and Mr. Macdonald would be considered part of the first line of defense. The second line of defense includes risk management and compliance functions to help build and/or monitor the first line of defense. The RMV did not have a functioning compliance function. The third line of defense is an organization's internal audit, which in the case of the RMV/MassDOT identified a backlog of out-of-state notifications at the MRB in April 2019.
 - Lack of oversight by the Merit Rating Board – Chapter 6C section 57A of the Massachusetts General Laws stipulates that the oversight of the MRB is vested in a three-member board consisting of the Registrar of Motor Vehicles, the Commissioner of Insurance, and the Attorney General. We understand that this board's first meeting since 2015 was in August 2019, when the board convened to terminate the employment of Mr. Bowes. Mr. Bowes joined the MRB in 2016, and no meetings of the board took place during his tenure. Such meetings would have provided an opportunity for dialogue between Mr. Bowes and the board, which could have included discussion of issues related to the processing of out-of-state notifications. By virtue of the composition of the board's membership, such meetings provide a forum for issues impacting the effectiveness and efficiency of the MRB operations to be raised outside the RMV and MassDOT. The lack of such meetings represents a possible missed opportunity for discussion of the out-of-state notification process and related challenges.
 - Inadequate emphasis on risk management by the MassDOT Board of Directors – The bylaws of the MassDOT Board of Directors specifically identify the assessment and mitigation of major risks facing MassDOT as an objective of the board. The bylaws also provide for the creation of a Finance and Audit Committee, among others, and stipulate that a charter for the committee should exist and be posted on the MassDOT website. While we have identified no such charter on the MassDOT website, during its first meeting on November 2, 2009, the MassDOT Board of Directors adopted bylaws that created the Finance and Audit Committee and outlined its intended purpose. Those bylaws, in part, task the committee with the responsibility to oversee risk management at MassDOT.

In reviewing meeting minutes of the Finance and Audit Committee going back to January 2015, we identified frequent interactions between the committee and the director of MassDOT Audit Operations, but such interactions revolved largely around the director informing the committee on the results of specific audits he would undertake. We did not identify instances of substantive

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discussions with either the director or members of MassDOT management on wider enterprise risk assessment and mitigation. Understanding the various risks that an organization faces in the normal course of business enables an entity to timely deploy mitigation strategies. The MassDOT Finance and Audit Committee would not necessarily be expected to be aware of every single specific risk facing the organization. It would, however, be reasonably expected to ensure that management has appropriate mechanisms in place so MassDOT, and the various agencies under its umbrella, have visibility into and control over such risks (e.g., three functioning lines of defense).

As of the date of this report, the RMV has processed the backlog of electronic out-of-state notifications that existed on the date of the Accident. Furthermore, the RMV has undertaken steps to process the backlog of paper out-of-state notifications identified after the Accident; those efforts are ongoing but have already resulted in license suspensions. Separately, the RMV undertook a process to compare the driving records of its 5.2 million licensed drivers against the NDR in order to determine whether Massachusetts-licensed drivers had their privileges suspended in other jurisdictions, in which case the RMV would also suspend those drivers' licenses in Massachusetts. Based on discussion with the Acting Registrar, this process has resulted in license suspensions and is still in progress.

We note that subsequent to the issuance of our Preliminary Report, we received communication from the National Association of Government Employees, as reflected in **Exhibit B** of this report.

Within this report, we make a number of recommendations with respect to governance, control environment, operational management, organizational reporting structure, and processes and protocols. In addition, we highlight certain areas of additional risk we identified during our procedures.

Finally, we would like to acknowledge that we received full cooperation during the performance of our work from all employees with whom we interacted at the RMV, MassDOT, and other Massachusetts government entities, as well as individuals we interviewed who are not currently Massachusetts state employees.

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V. BACKGROUND AND ENGAGEMENT APPROACH

A. Background

On June 21, 2019, Mr. Zhukovskyy was involved in the Accident.³⁹ On June 25, 2019, Ms. Deveney resigned from her position as Registrar and Mr. Tesler was appointed Acting Registrar.⁴⁰

On July 1, 2019, the RMV Acting Registrar and the MassDOT General Counsel issued a preliminary memorandum on the circumstances surrounding the Accident, noting that the RMV received information from Connecticut, which was not acted upon in a timely manner, and which should have otherwise resulted in the termination of Mr. Zhukovskyy's CDL prior to the Accident. The preliminary memorandum also described a general lack of timely processing by the RMV of notifications received from other states regarding out-of-state infractions by CDL and Class D Massachusetts-licensed drivers.⁴¹

Also on July 1, 2019, the RMV contacted Grant Thornton's Boston office telephonically to inquire as to our availability to provide professional services related to this matter. On July 2, 2019, representatives of Grant Thornton, both telephonically and in person at the RMV headquarters in Quincy, Massachusetts, participated in a meeting with Mr. Tesler and members of the MassDOT Audit Operations team to discuss a scope of work. On July 10, 2019, the RMV and Grant Thornton executed an engagement agreement and related statement of work. On the same date, Grant Thornton commenced its work on this engagement subject to the scope of work described in section *I. INTRODUCTION AND ASSIGNMENT OBJECTIVES* of this report.

B. RMV Overview

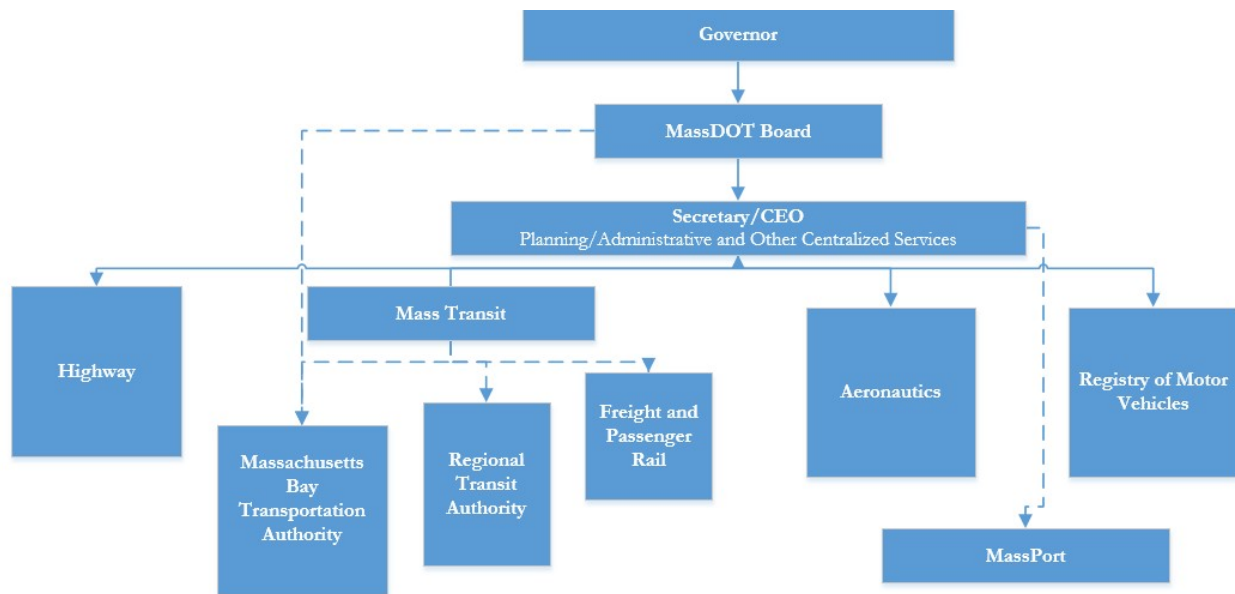
The RMV is part of MassDOT, which is led by the Secretary of Transportation and overseen by a Board of Directors. MassDOT is part of the executive branch of the Massachusetts state government, which is led by the Governor, as the organizational chart on the following page indicates:⁴²

³⁹ State of New Hampshire Request for Administrative Action dated June 24, 2019, submitted by New Hampshire State Police to the New Hampshire Director of Motor Vehicles.

⁴⁰ RMV Preliminary Memorandum dated July 1, 2019.

⁴¹ Ibid.

⁴² 2009 Transportation Reform Act Overview via https://budget.digital.mass.gov/bb/b1/fy11b1/prnt_11/exec_11/pbuddercost.htm accessed July 24, 2019.



The RMV's current organizational structure is reflected in the chart included as **Exhibit C** to this report.

The operating segments of the RMV include the following:⁴³

- **Road Test and Drivers Licensing** – This department is managed by the Chief Operating Officer and includes the following:⁴⁴
 - **Road Test Program** – Administers passenger and motorcycle road tests by RMV Road Test Examiners on planned routes at different locations across Massachusetts.⁴⁵
 - **Driver Licensing Department** – Manages certifications of Professional Driving Instructors and Professional Driving Schools, including eligibility requirements, the driving test program, curriculum for driving school, and identity documents.⁴⁶
 - **SPEX Department** – SPEX analyzes information supplied to the RMV via AAMVA “concerning identity when duplicate files exist in other jurisdictions in order to achieve the ‘one person – one identity’ mandate of REAL-ID... incumbents [SPEX personnel] process licensing/identity information (including images of documents and of persons) in order to determine whether a potential duplicate match is the same person.”⁴⁷ SPEX also oversees the processing of CDL-related information submitted to the RMV by other jurisdictions electronically.⁴⁸

⁴³ This is not designed to be a comprehensive description of all departments within the RMV.

⁴⁴ RMV Organizational Charts as of July 1, 2019.

⁴⁵ Attachment 9 Operational Summary – ATLAS dated March 30, 2016 pg. 25.

⁴⁶ Ibid. pgs. 25-32.

⁴⁷ SPEX System Analyst III - Position Description Form 30 dated April 4, 2019.

⁴⁸ Ibid.

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- **Enforcement Division** – This department is managed by the Director of Enforcement Services and includes the following:⁴⁹
 - **Medical Affairs** – The Medical Affairs department is primarily responsible for setting agency policies and procedures regarding physical qualifications for driver's licenses.⁵⁰
 - **The Driver Control Unit / DCU** – “The DCU is responsible for hearing cases of suspension activity for an individual... These cases involve the suspension of a driver’s license or registration.”⁵¹
- **The Merit Rating Board / MRB** – Created by statute, the “MRB is managed by a director appointed by the Registrar of Motor Vehicles, the Commissioner of Insurance, and the Attorney General. Its primary mission is to maintain and update driving records and report driving record information to Massachusetts auto insurers and other transportation and public-safety government agencies.”⁵²
- **Service Centers** – The RMV has 30 Service Centers where employees interface with customers on such matters as driver's license issuance, vehicle registration and title transactions, as well as registration cancellations, suspension payments, and learner's permit testing.⁵³ Service Centers will verify a customer’s individual identification through electronic verification checks to confirm compliance to standards and policies before issuing a permit test or renewing a driver’s license.⁵⁴
- **Vehicle Based Services** – The RMV provides issuance of vehicle registration and title services that allow for the legal operation of a motor vehicle as well as maintenance on the title and registration information.⁵⁵ Additionally, the Vehicle Safety and Compliance Services department is “responsible for the oversight of safety and emissions testing including the licensing and operation of official inspection stations and the licensing of inspectors to ensure compliance with state and federal regulations.”⁵⁶ The department also “manages certifications related to School Bus Drivers, School Pupil Transportation (7D), and School Bus Driver Instructors.”⁵⁷

As of July 20, 2019, the RMV had 879 employees; 456 are assigned to the Service Centers while the remaining are assigned to other RMV operating segments or handle executive and non-executive administrative tasks.⁵⁸

⁴⁹ RMV Organizational Charts as of July 1, 2019.

⁵⁰ Medical Standards Related to Driving via <https://www.mass.gov/medical-standards-related-to-driving> accessed August 11, 2019.

⁵¹ Internal Audit of RMV Driver Control Unit: Hearings Officers dated January 6, 2015.

⁵² Overview of the Merit Rating Board dated February 1, 2018 via <https://www.mass.gov/info-details/overview-of-the-merit-rating-board> accessed August 14, 2019.

⁵³ Massachusetts Registry of Motor Vehicles Locations via <https://www.mass.gov/orgs/massachusetts-registry-of-motor-vehicles/locations> accessed August 15, 2019 and Boston (Haymarket) RMV Service Center via <https://www.mass.gov/locations/boston-haymarket-rmv-service-center> accessed August 14, 2019.

⁵⁴ Based on discussion with RMV Executive Director Colleen Ogilvie.

⁵⁵ RMV Attachment 8 Business Service Catalog – ATLAS, review version 1.0 dated April 14, 2016

⁵⁶ Attachment 9 Operational Summary pg. 201.

⁵⁷ Ibid. pg. 32.

⁵⁸ Based on discussion with the Acting Registrar, these RMV employees included full-time and temporary employees.

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The majority of the non-Service Center employees operate out of the RMV headquarters location in Quincy, Massachusetts.⁵⁹

MassDOT uses a shared-services model to provide certain administrative and operational support services to the RMV and other agencies under its authority. Based on discussions with MassDOT employees, functions such as legal, information technology, audit operations, human resources, and finance are part of the shared services model. Some of those functions are specifically required by statute to be part of a MassDOT shared services model.⁶⁰ As such, the RMV does not have dedicated resources for these functions.

The RMV currently uses two different information technology platforms to manage its mission-critical processes. The first is ATLAS, a FAST commercial off-the-shelf integrated driver-services and vehicle-services software whose modules and subsystems provide government agencies with an integrated, single-source solution for complete administration of driver licensing and control and vehicle titling and registration.⁶¹ FAST was engaged by the RMV to implement ATLAS in order to replace the ALARS system. ATLAS Release 1 was deployed on March 26, 2018.⁶² ATLAS Release 1 replaced only certain functionalities of ALARS. Once the second and final release of ATLAS is deployed, tentatively scheduled for November 2019, it is expected that ATLAS will provide all necessary functionality for the RMV's mission-critical processes and ALARS will no longer be used.⁶³ During the intervening period between ATLAS Release 1 and the deployment of the second release, the RMV uses both ATLAS and ALARS simultaneously but with each system handling different functionalities.⁶⁴

C. Engagement Approach

i. Procedures overview

The execution of our scope-of-work included the following broad procedures:

- Gaining an understanding of the RMV's organizational, governance, risk, and management structures.
- Gaining an understanding of relevant processes and how they have evolved.
- Gaining an understanding of relevant policies and regulations.
- Interviewing certain current and, to the extent available certain former, RMV employees, contractors, and vendors.
- Interviewing other relevant Massachusetts state employees, as necessary.
- Conducting targeted focus group discussions with RMV employees.
- Holding discussions with representatives from select federal and state agencies with oversight responsibility over the RMV.
- Identifying and analyzing relevant electronic (inclusive of email communication) and non-electronic records pertinent to the scope of our engagement.
- Gaining an understanding of and evaluating relevant information technology system processes.

⁵⁹ RMV Headcounts and Transfers 2010 to 2019 (report) dated July 20, 2019.

⁶⁰ Administration of the Government – MA General Law - Part I, Title II, Chapter 6C, Section 5.

⁶¹ Based on discussions of ATLAS capabilities with FAST representatives Margaret Gleason and Ben Goodman.

⁶² RMV Preliminary Memorandum #4, dated July 19, 2019.

⁶³ ALARS & ATLAS: Inquiry Manual dated 2019 pg. 61.

⁶⁴ Ibid. pg. 6.

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ii. Interviews

Grant Thornton did not pre-clear with the RMV, or any other Massachusetts entity/official, requests to speak to individuals we deemed relevant to our scope of work. If required, however, the RMV and MassDOT provided logistical support in order for Grant Thornton to gain access to such individuals. Furthermore, interviews, focus group discussions, and discussions with federal and state regulators that Grant Thornton initiated were not observed by any RMV official, other Massachusetts official, or other third party.⁶⁵

During the course of our engagement, Grant Thornton interviewed the following individuals:

#	Name of Individual	Title	Interview Date
1	Thomas Bowes (1)	Director of Merit Rating Board (RMV)	7/12/2019
2	Keith Costantino (1)	Director of Driver Control Unit (RMV)	7/12/2019
3	Steve Evans (1)	Director of Driver Licensing (RMV)	7/12/2019
4	Beth Caron	Acting Department Supervisor, Field Services Audit Unit, Audit Operations (MassDOT)	7/15/2019
5	Cheryl Collaro-Surette	Field Services Audit Manager, Audit Operations (MassDOT)	7/15/2019
6	Jim Logan (1)	Audit Director, Audit Operations (MassDOT)	7/16/2019
7	Brie-Anne Dwyer	Special Projects Manager, Audit Operations (MassDOT)	7/16/2019
8	Bob Rowland	CDL Coordinator, Driver Licensing (RMV)	7/18/2019
9	Sara Lavoie	Director of Enforcement Services (RMV)	7/19/2019
10	Susan Crispin (1)	SPEX, Driver Licensing (RMV)	7/19/2019
11	Thomas Bowes (2)	Director of Merit Rating Board (RMV)	7/26/2019
12	Colleen Ogilvie	Executive Director – ALARS (RMV)	7/26/2019
13	Betsy Taylor	Chair of the Finance and Audit Committee (MassDOT Board of Directors)	7/29/2019
14	Nancy Cox	System Programmer/System Supervisor, Pdpp (RMV)	7/31/2019
15	Thale Winbush	Contractor (Perspecta)	8/1/2019
16	Donna Cabey	Program Coordinator III – MRB (RMV)	8/1/2019
17	Michael Noronha	SPEX, Driver Licensing (RMV)	8/2/2019
18	Susan Crispin (2)	SPEX, Driver Licensing (RMV)	8/5/2019
19	Keith Costantino (2)	Director of Driver Control Unit (RMV)	8/7/2019
20	Roxanne Coker	Program Coordinator II – MRB (RMV)	8/8/2019
21	Chris Shackett	Program Coordinator II – MRB (RMV)	8/8/2019
22	Jeff Ziegler	Program Coordinator II – MRB (RMV)	8/8/2019
23	Alan Macdonald	Chief Operating Officer (RMV)	8/8/2019
24	Stephanie Pollack	Secretary and CEO (MassDOT)	8/9/2019
25	Joanne Stanley	Board of Appeals Designee (RMV)	8/9/2019
26	Steve Evans (2)	Director of Driver Licensing (RMV)	8/12/2019
27	Erin Deveney	Former Registrar (RMV)	8/13/2019
28	Frederick Apel	Customer Service Rep. III and Ombudsman (RMV)	8/13/2019
29	Scott Freeman	Manager of Driver Control Unit (RMV)	8/13/2019

⁶⁵ We note that on July 12, 2019, Grant Thornton was invited to attend separate interviews of Mr. Bowes, Mr. Costantino, and Steve Evans that the MassDOT General Counsel held as part of MassDOT's initial investigation. Grant Thornton subsequently interviewed these individuals outside the presence of any other party. We also note that to the extent an interviewee was a union member, a union representative observed the interview or participated telephonically. Furthermore, a representative from the Governor's legal office was present for the interview of Mindy D'Arbeloff. Finally, we note that for certain RMV employees that we interviewed, they personally initiated contact with Grant Thornton and requested to speak with us.

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#	Name of Individual	Title	Interview Date
30	Jamey Tesler	RMV Acting Registrar (RMV)	8/13/2019
31	Caroline Quan and Laurie Jarvis	Program Coordinator II – MRB (RMV) and Program Coordinator II – MRB (RMV)	8/22/2019
32	James Norton and Mark Spengler	Labor Counsel – Employee Relations (MassDOT) and Director of Engagement (MassDOT)	8/23/2019
33	Mindy D’Arbeloff	Deputy Chief of Staff (Massachusetts’ Governor’s Office)	8/26/2019
34	Jacquelyn Goddard	Director of Communications (MassDOT)	8/26/2019
35	Ken Canaan	Contractor (RMV)	8/27/2019
36	Jim Logan (2)	Director of Audit Operations (MassDOT)	8/27/2019
37	Mark Newton	System Programmer/Supervisor (MassDOT)	8/28/2019
38	Andy Sims	Former MassDOT Employee	9/3/2019
39	Jack Calhoun and Mark Withington	Co-founder (Accelare) and Principal Consultant (Accelare)	9/4/2019
40	Brian Colby and Manuel Chavez	Executive Secretary (Division of Insurance) and Counsel 2 (Division of Insurance)	9/5/2019
41	Ben Goodman and Maggie Gleason	Director (FAST Enterprises) and Partner (FAST Enterprises)	9/17/2019

This following individual declined our request for an interview:

#	Name of Individual	Title	Interview Date
1	Sarah Zaphiris	Former Deputy Registrar of Operations	N/A

iii. Review of electronic (inclusive of email communication) and non-electronic records

Grant Thornton analyzed relevant email communication and other electronic records, as follows:⁶⁶

1. Electronic Records for certain RMV employees (the “Custodians”)

We identified the following Custodians whose email communication and related electronic documents were deemed to be potentially relevant to our scope of work. As described in the table below, Grant Thornton: a) was provided with email container files (i.e., “.pst” files) and flat files, b) forensically imaged laptop and desktop hard drives, and c) forensically imaged mobile devices.

⁶⁶ In addition to identifying email and other electronic files for the selected custodians, Grant Thornton requested that the RMV and MassDOT undertake steps to identify any other electronic documents residing on RMV and MassDOT servers that may be relevant to our scope of work, as well as any non-electronic documents.

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Custodian	Period of Email Files (O365) Provided	Period of Email Files (Exchange) Provided	Period of Flat Files Provided*	Number of Laptops / Hard Drives Imaged	Number of Mobile Phones Imaged
Thomas Bowes – Former Director of MRB	January 1, 2015 to July 16, 2019	January 1, 2015 to July 12, 2019	All	1	1
Keith Costantino - Director of DCU	January 1, 2015 to July 16, 2019	January 1, 2015 to July 12, 2019	All	3	1
Erin Deveney - Former Registrar	January 1, 2015 to July 16, 2019	January 1, 2015 to July 12, 2019	All	3	0**
Brie-Anne Dwyer - Special Project Manager, Audit Operations	January 1, 2016 to July 25, 2019	N/A	N/A	0	0
Sara Lavoie - Director of Enforcement Services	January 1, 2015 to July 16, 2019	January 1, 2015 to July 12, 2019	All	4***	0
Alan Macdonald - Chief Operating Officer	January 1, 2015 to July 16, 2019	January 1, 2015 to July 12, 2019	All	2***	0
Colleen Ogilvie - Executive Director – ALARS	January 1, 2015 to July 16, 2019	January 1, 2015 to July 12, 2019	All	3	0
Robert Rowland - CDL Coordinator, Driver Licensing	January 1, 2015 to July 16, 2019	January 1, 2015 to July 12, 2019	All	1	0
Michael Noronha - SPEX, Driver Licensing	January 1, 2015 to August 2, 2019	January 1, 2015 to July 15, 2019	All	1	0
Susan Crispin - SPEX, Driver Licensing	January 1, 2015 to July 16, 2019	January 1, 2015 to July 12, 2019	All	2	0

*MA EOTSS informed Grant Thornton that the files collected included each custodian's personal share, in addition to the results of MA EOTSS's search across the RMV group shares for files in which the custodian was identified as being associated with a file (no date filter was applied).

**Grant Thornton received two encrypted mobile phones for this custodian.

***One device not included in this total as it was used by both Sara Lavoie and Alan Macdonald.

- a. **Initial Production** – The Massachusetts Executive Office of Technology Services and Security (“MA EOTSS”), in coordination with the MassDOT Chief Information Officer, extracted emails for Custodians and for a time of period that Grant Thornton selected.
 - MA EOTSS stated that emails were extracted from two different sources (Microsoft Office 365 and Symantec Enterprise Vault) and imported into a Microsoft Exchange on-premises mailbox (“Microsoft Exchange Mailbox”).
 - For each selected Custodian, MA EOTSS bifurcated the extracted files, residing in the Microsoft Exchange Mailbox, into two groups - one group involving records reflecting communication with a Massachusetts government attorney (“presumptively privileged records”) and another group involving records that did not reflect such

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communication (“presumptively non-privileged records”). The presumptively non-privileged records were provided to Grant Thornton.⁶⁷

- MassDOT counsel then reviewed the presumptively privileged records to identify any records that were deemed to contain legally privileged communication. Following that review, the MassDOT General Counsel provided Grant Thornton with the records that were deemed to contain no privileged communication.
 - Grant Thornton requested chain-of-custody documentation to demonstrate that all records that flowed through the Microsoft Exchange Mailbox were: i) received by Grant Thornton (as either the presumptively non-privileged documents or the portion of the presumptively privileged records that ultimately the MassDOT General Counsel deemed to be non-privileged) or ii) retained by the MassDOT General Counsel as legally privileged. Subsequent to the issuance of our Preliminary Report, we reviewed the chain-of-custody documentation and noted that the total of extracted records that were input into the Microsoft Exchange Mailbox did not match the total of records taken out of the Microsoft Exchange Mailbox. MA EOTSS was unable to reconcile the identified inconsistencies.
- b. **Subsequent Production** – Subsequent to the above-referenced chain of custody inconsistencies, MassDOT engaged the law firm of Greenberg Traurig LLP and consulting firm KL Discovery (“KLD”) to assist with the production of email records. According to KLD, MA EOTSS provided them with two hard drives as follows:
- The first hard drive (“Hard Drive One”) was meant to contain both the presumptively non-privileged data MA EOTSS originally produced to Grant Thornton, as well as the presumptively privileged data.
 - To determine whether the files containing the presumptively non-privileged documents included in Hard Drive One were the same as the files that Grant Thornton originally received in the initial production, KLD provided Grant Thornton with MD5 hash values⁶⁸ for the presumptively non-privileged documents, prior to KLD completing the processing of Hard Drive One. Grant Thornton performed its own MD5 hash calculations of the files we received directly from MA EOTSS and confirmed that they matched with the KLD-provided MD5 hash values from Hard Drive One.⁶⁹ This matching reconciliation

⁶⁷ MA EOTSS stated they used the native de-duplication functionality within Microsoft Exchange when exporting the presumptively non-privileged records.

⁶⁸ A MD5 hash value is a digital signature that can be used as a unique identifier for the data within an electronic file.

⁶⁹ For three of the custodian email data files included on this hard drive, the MD5 hash values of the files KLD received did not match those within the data received by Grant Thornton. As such, Grant Thornton provided these three custodian email data files directly to MassDOT, and KLD stated it received these files via Greenberg Traurig LLP.

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indicates that KLD obtained the same presumptively non-privileged data that Grant Thornton originally received from MA EOTSS.

- KLD processed the presumptively non-privileged data from Hard Drive One and provided a count of top-level items⁷⁰ resulting from this processing. Grant Thornton compared this top-level item count against the top-level item count produced from Grant Thornton's processing, albeit using a different technology than that employed by KLD. We noted that KLD's top-level item count contained 28 fewer items than Grant Thornton's results. For reference, Grant Thornton's total count of top-level items was 1,679,847.
- The second hard drive ("Hard Drive Two") was meant to contain all original data extracted from the servers by MassDOT and MA EOTSS before this data was imported into the Microsoft Exchange Mailbox.
 - KLD processed Hard Drive Two and provided Grant Thornton with top-level item counts.⁷¹ Grant Thornton compared those counts with top-level item counts that we independently tabulated, using export logs and screenshots provided to Grant Thornton by MA EOTSS. We determined that KLD's total count contained 1,530 fewer top-level items⁷² when compared against Grant Thornton's tabulation. For reference, Grant Thornton tabulated that MA EOTSS originally extracted 2,186,768 top-level items.
- KLD stated that they: i) processed the data from Hard Drive One and Hard Drive Two; ii) de-duplicated Hard Drive Two's data with the presumptively non-privileged data processed from Hard Drive One; iii) removed potentially privileged documents for review by the MassDOT General Counsel; and iv) provided the remaining documents to Grant Thornton. The MassDOT General Counsel directed the review of the potentially privileged documents, and KLD subsequently provided us with what was deemed to be non-privileged from that review.
- All document deliveries (with the exception of the Initial Production) were provided to Grant Thornton by KLD from September 13, 2019 through September 27, 2019.

⁷⁰ In the context of this discussion, a top-level item is a logical collection or "family" of documents (e.g., an email and its respective attachments would count as one top-level item), whereas a document refers to the individuated components of top-level items (e.g., an email and two attachments would comprise three documents).

⁷¹ Grant Thornton did not receive these original data (only counts related thereto). MA EOTSS and MassDOT provided Grant Thornton with reports regarding these exported data (including export logs and related screenshots).

⁷² For one custodian (Dwyer), MA EOTSS and MassDOT exported two email data files to KLD that were not requested by Grant Thornton. KLD, in turn, processed these files. Because KLD processed these files, Grant Thornton included these items in the document counts. That said, Grant Thornton discounted these document counts in its discrepancy calculation.

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- c. KLD prepared a reconciliation of the total document count of the original data processed by KLD (from Hard Drive Two) by taking the total de-duplicated population (referenced above) and subtracting both the document counts for the deliveries that KLD provided to Grant Thornton as well as for documents withheld for privilege (listed on the privilege log). The purpose of this comparison was to confirm that, from the original data processed by KLD and subject to the above-referenced discrepancies, Grant Thornton either received such data or it was otherwise withheld on the grounds of legal privilege. Based on KLD's representation of document counts used for this reconciliation, Grant Thornton noted no variance in KLD's reconciliation. Grant Thornton obtained a written representation from KLD attesting to that reconciliation. For reference, the individual number of documents that KLD processed from the original data was 4,343,460.
- d. **Privileged Documents** – Grant Thornton neither obtained nor reviewed documents that the MassDOT General Counsel classified as privileged. Grant Thornton, however, requested and obtained from the MassDOT General Counsel both a privileged log and a signed representation stipulating that the withheld records are subject to legal privilege. The MassDOT General Counsel designated 53,391 records related to the Custodians as privileged. For reference, the individual number of documents that KLD processed from the original data was 4,343,460.
- e. **Grant Thornton Review** – After receiving the electronic records pursuant to the above-described process, Grant Thornton applied key search terms to identify potentially relevant documents. The resulting 152,349 documents were reviewed by us for responsiveness, and the results of that analysis are incorporated into this report.

2. Other electronic and non-electronic records

We requested that the MassDOT General Counsel provide us with any other electronic and non-electronic records, which counsel identified, and which touch upon our scope of work, including, but not limited to, the following:

- a. Records identified as part of MassDOT's response to the request for documents made by the Joint Committee on Transportation of the Massachusetts General Court.
 - The MassDOT General Counsel and her team provided Grant Thornton with a listing of documents made available to the Joint Committee on Transportation of the Massachusetts General Court as of September 26, 2019. Grant Thornton did not obtain and analyze all documents provided to the Joint Committee on Transportation of the Massachusetts General Court, but rather requested and analyzed selected documents within that listing.
- b. Records identified as part of the RMV's and MassDOT's initial investigation into the Accident.

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- The MassDOT General Counsel and her team provided Grant Thornton two emails identified during their initial investigation into the Accident.
- c. Records identified as part of a legal hold notice that the MassDOT General Counsel issued on June 26, 2019.⁷³
 - The MassDOT General Counsel and her team stated that they did not collect any records related to this legal hold notice.
- d. Grant Thornton requested and obtained a signed representation from the MassDOT General Counsel that all of the above-referenced documents were provided to us.

iv. Focus groups

The below table reflects focus groups that Grant Thornton conducted in connection with our engagement. Scheduling of these focus groups was coordinated with the MassDOT Labor Relations department as well as union representatives. Attendance was voluntary and did not require disclosure of the participants' names.

#	Personnel Attending	Date
1	Western Massachusetts DCU Hearings Officers	8/15/2019
2	MRB Employees – Unit A	8/21/2019
3	MRB Supervisors – Unit D	8/22/2019
4	DCU Hearings Officers and Admin (Part 1) ⁷⁴	8/28/2019
5	DCU Hearings Officers and Admin (Part 2) ⁷⁵	8/28/2019

v. Meetings with federal and state regulators

Grant Thornton met, in person or telephonically, with representatives of the following regulatory agencies with oversight responsibility over the RMV, as indicated below:

- Federal Motor Carrier Safety Administration, on July 16, 2019, July 17, 2019, and July 18, 2019
- Massachusetts Office of the Inspector General, on July 31, 2019 and August 22, 2019
- National Transportation Safety Board, on July 31, 2019 and August 22, 2019
- United States Department of Transportation, Office of the Inspector General on July 31, 2019, and August 22, 2019
- Massachusetts Office of the State Auditor, on August 28, 2019

During those meetings, we discussed the progress of our work, the Grant Thornton Preliminary Report (to the extent it had been issued by the time of the meetings), and we made inquiries regarding those agencies' prior interactions with the RMV, as it relates to areas that touch upon our scope of work.

⁷³ Document Retention Memorandum dated June 26, 2019.

⁷⁴ Scott Freeman, Manager of the Driver Control Unit (RMV), was present for the focus group session. Two sessions were held in order to accommodate everyone's schedules.

⁷⁵ Ibid.

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VI. FINDINGS BY SCOPE OF WORK AREA

A. Conduct a Root Cause Analysis

Conduct a root cause analysis with respect to the circumstances that prevented the RMV's timely revocation of a Massachusetts commercial driver's license, or CDL, following an out-of-state notification of a disqualifying event as has been widely and publicly reported.

Prior to the Accident, the RMV received electronic⁷⁶ and paper⁷⁷ notifications from Connecticut regarding Mr. Zhukovskyy's refusal to take a breathalyzer test⁷⁸ after being stopped by authorities while driving a commercial vehicle in that state,⁷⁹ and as further described below. The RMV failed to process in a timely manner both the electronic and paper Connecticut notifications. The RMV has concluded that had either of these notifications been processed and posted timely to Mr. Zhukovskyy's driving record, his Massachusetts-issued CDL would have been suspended automatically, prior to the Accident.⁸⁰

i. Connecticut electronic out-of-state notification – background and relevant timeline

The American Association of Motor Vehicle Administrators ("AAMVA") is the operator of the Commercial Driver's License Information System ("CDLIS"), a nationwide computer system that enables jurisdictions to share information regarding convictions and withdrawals of driving privileges affecting CDL holders, transfer the driver record when a CDL holder moves to another state, and respond to requests for driver status and history.⁸¹ If the driver is included in the CDLIS Central Site, a repository of driver identification data, "the inquiring jurisdiction will be directed electronically to the jurisdiction that maintains the current driver history record"⁸² to ensure information is shared among jurisdictions. When a CDL holder of one state incurs a conviction or has his/her CDL privileges withdrawn by another state (i.e. out-of-state), AAMVA and federal regulations require that the CDL-issuing state be notified by the other state.⁸³ These notifications are referred to as out-of-state notifications.

The following is a timeline of events related to the Connecticut electronic out-of-state notification:

⁷⁶ RMV Preliminary Memorandum dated July 1, 2019.

⁷⁷ Connecticut Department of Motor Vehicles Official Notice of Citation dated May 28, 2019.

⁷⁸ The electronic and paper notifications indicate that the ACD code was A12. The ACD AAMVA Code Dictionary Manual Release 5.2 dated 2018 indicates that code A12 is "refused to submit to test for alcohol."

⁷⁹ Connecticut Department of Motor Vehicles Official Notice of Citation dated May 28, 2019.

⁸⁰ RMV Preliminary Memorandum dated July 1, 2019.

⁸¹ AAMVA Commercial Driver's License Information System via <https://www.aamva.org/CDLIS/> accessed August 11, 2019.

⁸² AAMVA CDLIS State Procedures Manual Release 5.3.3 dated December 2015 pg. 8.

⁸³ Ibid. pg. 4.

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1. On March 26, 2018, ATLAS Release 1 was deployed.⁸⁴
2. On May 11, 2019, Mr. Zhukovskyy refused to take a breathalyzer test in Connecticut.^{85 86}
3. On May 29, 2019, ATLAS at the RMV received an electronic notification from Connecticut noting Mr. Zhukovskyy's refusal to take a breathalyzer test and advising that his CDL privileges would be revoked in that state, on a future effective date.^{87 88}
4. The electronic notification from Connecticut was diverted into a manual intervention queue.⁸⁹ That manual intervention queue had been assigned to the SPEX unit.⁹⁰
5. Also on May 29, 2019, Mr. Noronha, an employee in the SPEX unit,⁹¹ accessed Mr. Zhukovskyy's driving record.
6. On June 21, 2019, the Accident occurred.⁹² As of that date, the Connecticut electronic notification had not been posted to Mr. Zhukovskyy's driving record.⁹³

ii. Fail point – Electronic out-of-state notifications processing

Prior to the Accident, two different opportunities existed for the Connecticut electronic notification to be posted to Mr. Zhukovskyy's driving record. Both of those opportunities were missed.

First missed opportunity – ATLAS received the Connecticut electronic notification and diverted it into a manual intervention queue, requiring a review by an RMV employee prior to resolution.⁹⁴ FAST representatives stated that ATLAS had been configured to divert any incoming notifications with an effective suspension date subsequent to the date of receipt by ATLAS, to a manual intervention queue. According to FAST representatives, ATLAS business rules were established in this way because incoming electronic notifications in the ordinary course of business tend to have effective suspension dates prior to ATLAS notification receipt dates, and the reverse may be indicative of notification data integrity issues that require manual review prior to posting to a driver's record. We note that when a CDLIS working group asked RMV employees in 2015 (when

⁸⁴ RMV Preliminary Memorandum #4, dated July 19, 2019.

⁸⁵ Connecticut Department of Motor Vehicles Official Notice of Citation dated May 28, 2019.

⁸⁶ The electronic and paper notifications indicate that the ACD code was A12. The ACD AAMVA Code Dictionary Manual Release 5.2 dated 2018 indicates that code A12 is "refused to submit to test for alcohol."

⁸⁷ RMV Preliminary Memorandum dated July 1, 2019.

⁸⁸ See **Exhibit D** to this report for screenshots from ATLAS.

⁸⁹ RMV Preliminary Memorandum dated July 1, 2019.

⁹⁰ ATLAS Task Queue Listing. Per discussion with FAST representatives Margaret Gleason and Ben Goodman, the Zhukovskyy notification was part of queue 50 "AAMVA Work Items," which has had Ms. Crispin designated as the administrator since ATLAS Release 1 date. FAST representatives stated that beginning June 25, 2019, similar work items to the Zhukovskyy notification were diverted into newly created queue 397 "AAMVA Add Conviction & Withdrawal Items."

⁹¹ RMV Organizational Charts as of July 1, 2019.

⁹² State of New Hampshire Request for Administrative Action dated June 24, 2019, submitted by New Hampshire State Police to the New Hampshire Director of Motor Vehicles.

⁹³ RMV Preliminary Memorandum dated July 1, 2019.

⁹⁴ Ibid.

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the RMV was utilizing the ALARS system) about the impact of future effective dates for withdrawals, Ms. Crispin indicated that future effective dates were not problematic.⁹⁵

Subsequent to the Accident, at the request of the RMV, FAST re-configured ATLAS to divert incoming notifications with future effective dates to a manual intervention queue only if such future dates exceed one year from the date the notification is received by ATLAS. Grant Thornton met with FAST representatives and performed a series of walkthroughs of the business rules logic in effect prior to the Accident and the change to such business rules logic subsequent to the Accident. The walkthrough included a review and explanation of how the software was configured through its web-based business rule configuration graphical interface. While we did not perform a comprehensive source code review, the logic of the source code sections shown to us as part of the walkthroughs were consistent with our understanding of how the basic rule was originally implemented and subsequently changed. Grant Thornton also requested that FAST process new test data so that Grant Thornton could observe the new ATLAS configuration handling different scenarios of out-of-state notifications with future effective dates. Grant Thornton observed the processed results of the test data, and noted they were consistent with the business rule described by FAST representatives.

The manual intervention queue into which the Connecticut electronic notification was diverted had been assigned to the SPEX unit since ATLAS Release 1.⁹⁶ As such, SPEX was the unit responsible for working on and completing/closing items in that queue. Further, in an email exchange on January 28, 2019 with an MRB employee about “work items that need to be corrected,” Ms. Crispin who led, and still leads, the SPEX unit stated, “Any OOS conviction info really needs to be handled by the SPEX team as there are just too many AAMVA rules involved in what needs to be present and in what format.”⁹⁷

Grant Thornton examined a listing of “*AAMVA Add Conviction*” work items completed since ATLAS Release 1. Grant Thornton notes that since ATLAS Release 1, none of the work items were completed until January 2019, approximately ten months later.⁹⁸ In January 2019, 7 of the then-outstanding 172 items were worked on and completed/closed by Ms. Crispin.⁹⁹ On May 21, 2019, one work item in this queue was completed by another RMV employee.¹⁰⁰ As of the date of the Accident, on June 21, 2019, additional work items had been diverted into the queue, totaling 364 open work items.¹⁰¹

⁹⁵ Email from Sue Crispin to Amy Anthony (State of Delaware), cc Robert Rowland, Rick Khanna, Anne Michalik on May 21, 2015 with subject “Future Withdrawal Effective Dates.”

⁹⁶ ATLAS Task Queue Listing. Per discussion with FAST representatives Margaret Gleason and Ben Goodman, the Zhukovskyy notification was part of queue 50 “AAMVA Work Items,” which has had Ms. Crispin designated as the administrator since the date of ATLAS Release 1. FAST representatives stated that beginning June 25, 2019, similar work items to the Zhukovskyy notification were diverted into queue 397 “AAMVA Add Conviction & Withdrawal Items.”

⁹⁷ Email chain between Ms. Crispin and a MRB employee on January 28, 2019 with subject “OOS Convictions.”

⁹⁸ Add AAMVA Conviction Work Item List.

⁹⁹ AAMVA Add Conviction Work Items screenshots.

¹⁰⁰ Ibid.

¹⁰¹ Add AAMVA Conviction Work Item List.

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During interviews with Grant Thornton, Ms. Crispin stated that based on a March 8, 2019 through March 19, 2019 email exchange with a FAST employee,¹⁰² Ms. Crispin had the impression that SPEX would not need to complete all of those items as they would be resolved by ATLAS after certain system modifications. In general, there are two types of events that can lead to a CDL holder's loss of privileges: a *conviction* following adjudication of an alleged offense in a court of law,¹⁰³ and a *withdrawal*, which entails the withdrawal of privileges through an administrative action,¹⁰⁴ such as when a driver is stopped by authorities but refuses to take a breathalyzer test. Based on the email exchange, Ms. Crispin appeared to be of the view that certain "*AAMVA Add Conviction*" notifications were erroneously being labeled as such by ATLAS since the notifications were actually withdrawals with no underlying conviction date.

"For the AAMVA add conviction ones, those should all be closed. These are all fictitious convictions that Atlas is creating when another State sends a withdrawal with no underlying conviction. **In some cases, an underlying conviction is not required.** If one is required, we should be rejecting the withdrawal entirely."¹⁰⁵ (Emphasis added.)

As shown in **Exhibit E** to this report, the FAST employee advised Ms. Crispin that FAST had opened service ticket requests in relation to Ms. Crispin's concerns. FAST representatives stated to Grant Thornton that as of the date of the Accident, the ATLAS service ticket request specifically related to the issue that Ms. Crispin had discussed was still open. Based on discussions with FAST representatives and RMV employees, we understand that there is a process for prioritizing service ticket requests. While resolution of the service ticket request was pending, SPEX was still the unit assigned to work electronic notification items that were being diverted into the manual intervention queue, for the purpose of determining whether they should be added to a CDL holder's driving record.¹⁰⁶ Based on the above email excerpt, Ms. Crispin appears to have been aware that, at least in some cases, withdrawals labeled as "*AAMVA Add Conviction*" were not erroneous, as an underlying conviction was not always required.¹⁰⁷

The 364 work items in the manual intervention queue requiring review prior to the Accident¹⁰⁸ included the Connecticut notification for Mr. Zhukovskyy.¹⁰⁹ Subsequent to the Accident, all of those items were evaluated

¹⁰² Email chain between Ms. Crispin and a FAST employee from March 8, 2019 through March 19, 2019 with subject "AAMVA Interventions & Work Items."

¹⁰³ AAMVA CDLIS State Procedures Manual Release 5.3.3 dated December 2015 pg. 136.

¹⁰⁴ Ibid. pg. 155.

¹⁰⁵ Email chain between Ms. Crispin and a FAST employee from March 8, 2019 through March 19, 2019 with subject "AAMVA Interventions & Work Items."

¹⁰⁶ ATLAS Task Queue Listing. Per discussion with FAST representatives Margaret Gleason and Ben Goodman, the Zhukovskyy notification was part of queue 50 "AAMVA Work Items," which has had Ms. Crispin designated as the administrator since the date of ATLAS Release 1. FAST representatives stated that beginning June 25, 2019, similar work items to the Zhukovskyy notification were diverted into queue 397 "AAMVA Add Conviction & Withdrawal Items."

¹⁰⁷ Email chain between Ms. Crispin and a FAST employee from March 8, 2019 through March 19, 2019 with subject "AAMVA Interventions & Work Items."

¹⁰⁸ Add AAMVA Conviction Work Item List.

¹⁰⁹ See **Exhibit D** to this report for screenshots from ATLAS. This shows the Zhukovskyy notification was work item 1-943-495-936.

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by SPEX¹¹⁰ with some, including Mr. Zhukovskyy's, determined to be valid and posted to drivers' records.¹¹¹ Ms. Crispin acknowledged during an interview that she had the ability and knowledge to post convictions and withdrawals to drivers' records prior to the Accident.

Second missed opportunity – On May 29, 2019, Mr. Noronha, a member of the SPEX unit who reports to Ms. Crispin, accessed Mr. Zhukovskyy's driving record. **Exhibit D** to this report shows the screenshots, recorded by ATLAS, of the screen that Mr. Noronha was on prior to accessing Mr. Zhukovskyy's driving record, as well the screen that Mr. Noronha saw upon accessing Mr. Zhukovskyy's driving record. Those screenshots show that Mr. Noronha performed a work item search in ATLAS for AAMVA-related work items that had been created during the period of May 22, 2019 through May 29, 2019. This query produced a list of items including Mr. Zhukovskyy's unprocessed notification from Connecticut with the phrase "*AAMVA Add Conviction*" next to Mr. Zhukovskyy's name. Mr. Noronha clicked on that item, resulting in a display of Mr. Zhukovskyy's driving record in ATLAS. Under the caption of "Open Tasks" on that driving record window, the phrase "*AAMVA Add Conviction*" was displayed again. Mr. Noronha was in Mr. Zhukovskyy's driving record for approximately seven seconds, after which Mr. Noronha exited without making any changes to the record.¹¹²

During an interview, Mr. Noronha stated that his assigned duties before the Accident entailed reviewing and resolving AAMVA notifications other than those requiring the posting of convictions or withdrawals to drivers' records. While Mr. Noronha stated that he does not remember why he would have clicked on a work item in the ATLAS query with a description of "*AAMVA Add Conviction*," Mr. Noronha stated that at the time, he had not received training on posting convictions and withdrawals and would not have known how to do so. Based on discussion with FAST representatives, Mr. Noronha had ATLAS security access to add convictions and other verdicts to drivers' records, but he had never done so in the period prior to the Accident. Grant Thornton has not seen any information to indicate that Mr. Noronha brought this work item to the attention of his supervisor, Ms. Crispin, or to anyone else who could have evaluated whether the out-of-state violation should have been posted to Mr. Zhukovskyy's record. Mr. Noronha stated that subsequent to the Accident, he received training on posting withdrawals and convictions and assisted in completing the items that had been diverted into the manual intervention queue.

iii. Connecticut paper out-of-state notification – background and relevant timeline

In the normal course of business, "the RMV receives numerous out-of-state notifications each day by mail, some of which address issues that should trigger suspensions and others which involve less safety-critical matters such as speeding tickets."¹¹³ The following is a timeline of events related to the paper out-of-state notifications received by the RMV:

¹¹⁰ Email chain between Ms. Crispin and a FAST employee from March 8, 2019 through March 19, 2019 with subject "AAMVA Interventions & Work Items."

¹¹¹ RMV Preliminary Memorandum dated July 1, 2019.

¹¹² See **Exhibit D** to this report for screenshots from ATLAS.

¹¹³ RMV Preliminary Memorandum dated July 1, 2019.

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1. On May 24, 2015, Keith Costantino (“Mr. Costantino”) commenced employment at the RMV as the director of the DCU.¹¹⁴
2. In April 2016, RMV documents identified Enforcement Services, as being responsible for suspending drivers’ licenses for out-of-state suspensions, with Mr. Costantino as the “Process Champion.”¹¹⁵
3. On July 3, 2016, Mr. Bowes commenced employment at the RMV as the director of the MRB.¹¹⁶
4. In the summer of 2016, Mr. Costantino prepared a so-called “Project on a Page” presentation about an existing backlog of unprocessed out-of-state paper notifications, which was discussed, together with other initiatives, in an off-site meeting of RMV employees. The Project on a Page included a recommendation to transfer out-of-state paper notification data entry from the DCU to the MRB.¹¹⁷ Mr. Costantino also prepared a memorandum about this matter, dated September 20, 2016, which outlined a “3 Sprint” approach methodology “to responsibly mitigate back-log while achieving success on the transition.”^{118 119} These documents, included as **Exhibit F** and **Exhibit G** to this report, described the lack of out-of-state processing of paper notifications as a public safety issue.^{120 121}
5. On October 5, 2016, Mr. Costantino emailed Ms. Deveney a memorandum dated October 7, 2016, addressed to the “Office of the Governor – Legal Department / MassDOT Legal Department.”¹²² The memorandum identified the senders as Ms. Deveney, Mr. Bowes and Mr. Costantino. The memorandum described the issue of not processing out-of-state notifications as a public safety issue, outlined its various implications, suggested a way forward, and requested “approval” and “support” in proceeding with the “out-of-state citation data entry remediation plan,” which included transferring processing responsibility to the MRB, as reflected in **Exhibit H** to this report.¹²³ We have not seen evidence that this memorandum was emailed outside the RMV. Ms. Deveney, in an interview with Grant Thornton, stated that she did not email that memorandum to anyone outside the RMV.
6. Mr. Costantino confirmed in an interview with Grant Thornton that he requested the MRB assume responsibility for processing the paper out-of-state notifications citing the rationale reflected in the various memoranda he contemporaneously authored on the subject, namely, that the MRB already had relevant experience in citation data entry.

¹¹⁴ The MassDOT Human Resources Department.

¹¹⁵ RMV Attachment 8 Business Service Catalog – ATLAS, review version 1.0 dated April 14, 2016.

¹¹⁶ The MassDOT Human Resources Department.

¹¹⁷ Project on a Page “DCU – Out of State Citation Data Entry Migration to MRB” with Presentation Date July 5, 2016.

¹¹⁸ Out of State Citation Data Entry Migration from DCU to MRB dated September 20, 2016.

¹¹⁹ This memorandum dated September 20, 2016, includes the same content as the Project on a Page (POP) dated July 5, 2016, with the exception of the number of outstanding license suspension actions the backlog represents, and the “Approach Methodology” section. The POP lists 10,000 outstanding suspension actions, while the memorandum lists 100,000 outstanding suspension actions. In an interview with Mr. Costantino, he stated that he believes the correct number to be 10,000. However, in a separate interview with Mr. Bowes, he stated that he believes the correct number to be closer to 100,000.

¹²⁰ Project on a Page “DCU – Out of State Citation Data Entry Migration to MRB” with Presentation Date July 5, 2016.

¹²¹ Out of State Citation Data Entry Migration from DCU to MRB dated September 20, 2016.

¹²² Email from Mr. Costantino to Ms. Deveney on October 5, 2016 with subject “Draft Memo” and attachment “MRB_CitationMigration_Memo_10_6_16.docx.”

¹²³ Ibid.

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7. Ms. Deveney confirmed in an interview with Grant Thornton that she approved of transferring responsibility for processing out-of-state notifications from the DCU to the MRB.
8. Mr. Bowes confirmed in an interview with Grant Thornton that he accepted responsibility for the MRB to assume processing paper out-of-state notifications received by the RMV, on top of the MRB's existing responsibility of processing in-state citations. Mr. Bowes further stated that the MRB started processing out-of-state notifications, prospectively, in December 2016.
9. While the MRB had assumed responsibility for processing out-of-state notifications prospectively, an unresolved issue remained on how to handle the processing of the backlog accumulated over the years, which according to memoranda Mr. Costantino contemporaneously authored, amounted to as high as over 100,000 notifications.^{124 125}
10. On March 17, 2017, Mr. Costantino emailed Mr. Bowes, Ms. Deveney, and Sara Lavoie, advising them that he was transferring boxes of paper out-of-state notifications to "the warehouse," where they could be accessed in the future if "there is a request to retrieve information."¹²⁶ Mr. Costantino also had two photos of stacked boxes dated March 10, 2017.¹²⁷ See **Exhibit I** and **Exhibit J** to this report.
11. On March 26, 2018, ATLAS Release 1 was deployed.¹²⁸
12. According to Mr. Bowes, prior to ATLAS Release 1, the MRB was falling behind on processing the daily inflow of paper out-of-state notifications. Mr. Bowes further stated that starting with the deployment of ATLAS Release 1, the MRB ceased processing paper out-of-state notifications, citing difficulties in adapting to the new process.
13. Ms. Deveney stated in her interview with Grant Thornton that subsequent to ATLAS Release 1, Mr. Bowes made her aware of the difficulty that MRB personnel were having in adapting to the new technology, further advising her that the MRB was falling behind in processing data.
14. In the spring of 2019, the MassDOT Audit Operations team identified unprocessed out-of-state notifications that had been scanned into ATLAS by the MRB but which had been diverted into a queue that required manual intervention for processing.
15. Shortly, thereafter, Mr. Bowes informed Ms. Deveney that he will need additional resources to process the backlog of out-of-state notifications and to be able to continue processing such notifications prospectively.
16. On June 3, 2019, Connecticut mailed a paper out-of-state notification to the RMV, advising of Mr. Zhukovsky's refusal to take a breathalyzer on May 11, 2019, and of his future conviction

¹²⁴ Out of State Citation Data Entry Migration from DCU to MRB dated September 20, 2016.

¹²⁵ This memorandum dated September 20, 2016 includes the same content as the Project on a Page (POP) dated July 5, 2016 with the exception of the number of outstanding license suspension actions the backlog represents and the "Approach Methodology" section. The POP lists 10,000 outstanding suspension actions, and the memorandum lists 100,000 outstanding suspension actions. In an interview with Mr. Costantino on August 7, 2019, he stated he believes that 10,000 is the correct number.

¹²⁶ Email from Mr. Costantino to Mr. Bowes cc Ms. Deveney and Sara Lavoie on March 17, 2017 with subject "Out of State Citations." (See also **Exhibit I** to this report.)

¹²⁷ Image1.JPG dated March 10, 2017 3:59PM and Image1.JPG dated March 10, 2017 4:00PM. (See also **Exhibit J** to this report.)

¹²⁸ RMV Preliminary Memorandum #4, dated July 19, 2019.

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date of June 10, 2019.¹²⁹ ¹³⁰ The paper notification was received by the RMV on June 4, 2019.¹³¹

¹³² See **Exhibit K** to this report for the notification.

17. On June 21, 2019, the Accident occurred.¹³³ As of that date, the Connecticut paper notification had not been posted to Mr. Zhukovskyy's driving record.¹³⁴

iv. Fail point – Paper out-of-state notifications processing

Period prior to the transfer of out-of-state notifications processing from the DCU to the MRB – Joanne Stanley (“Ms. Stanley”), currently the RMV Board of Appeals Designee, was the Director of the DCU from April 20, 2008 to May 12, 2013.¹³⁵ Ms. Stanley stated in an interview with Grant Thornton that, under her direction, during those years, the DCU was processing paper out-of-state notifications received from other states. Ms. Stanley further stated that when she took over as Director of the DCU in 2008, there were approximately twenty boxes of unprocessed notifications, which she and other employees of the DCU, including hearing officers, gradually processed by focusing on the most egregious violations including vehicular homicide, operating under the influence, drugs, and driving to endanger. Grant Thornton corroborated Ms. Stanley's statement as it relates to the processing of out-of-state notifications in a separate interview with Scott Freeman who at the time was, and has continued to be, employed in the DCU. It appears that the last time the RMV processed paper out-of-state notifications on a consistent basis (albeit only for the most egregious violations) before the discovery of the backlog by Mr. Costantino, was during Ms. Stanley's tenure as Director of the DCU.

According to Mr. Costantino, when he started working at the DCU, he did not have an understanding that processing out-of-state notifications was part of the DCU's mandate. He further stated that toward the end of 2015 and beginning of 2016, he became aware of a backlog of paper out-of-state notifications, after which, he recommended that the MRB assume responsibility for processing them because he believed that the MRB was a suitable candidate due to its experience in citation data entry. As reflected in the above-referenced timeline, Ms. Deveney approved of Mr. Costantino's recommendation. It can be convincingly argued that while the MRB was a suitable candidate for data entry for these paper out-of-state notifications, it was not so for adjudicating the inevitable processing exceptions, which would require adjudication expertise that ultimately resided within the DCU. Regardless of whether one agrees with Mr. Costantino's recommendation, however, he elevated the issue to the then Registrar – Ms. Deveney – obtained approval for his recommendation, and was forthright

¹²⁹ Connecticut Department of Motor Vehicles Official Notice of Citation dated May 28, 2019.

¹³⁰ The electronic and paper notifications indicate that the ACD code was A12. The ACD AAMVA Code Dictionary Manual Release 5.2 dated 2018 indicates that code A12 is “refused to submit to test for alcohol.”

¹³¹ Federal Express Tracking number 4310 3445 4650.

¹³² Although the Federal Express Tracking number indicates the envelope containing the paper Zhukovskyy notification was delivered on June 4, 2019, the RMV Preliminary Memorandum dated July 1, 2019 states the RMV received written notification on May 30, 2019.

¹³³ State of New Hampshire Request for Administrative Action dated June 24, 2019, submitted by New Hampshire State Police to the New Hampshire Director of Motor Vehicles.

¹³⁴ RMV Preliminary Memorandum dated July 1, 2019.

¹³⁵ The MassDOT Human Resources Department and RMV Board of Appeal Appointment letter dated May 10, 2013. Note that in Grant Thornton's Preliminary Report, we stated that she was in this position through 2014. Based on additional information received after the Preliminary Report was issued, we understand the correct date is May 12, 2013.

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about the existence of the backlog and the transferring of boxes containing such backlog into a warehouse from where it could be picked up for processing.¹³⁶

Ms. Deveney stated that during that period, the RMV, with assistance from consulting firm Accelare Inc., was examining key processes to find ways to improve operating efficiencies. Ms. Deveney further stated that, as part of this process, meetings took place that representatives from the Governor's Office and MassDOT would usually attend. According to Ms. Deveney, the transitioning of processing out-of-state notifications from the DCU to the MRB was discussed in one of those meetings but she does not recall whether in that particular instance any representatives from the Governor's Office or MassDOT attended. Responding to our inquiries, Ms. D'Arbeloff stated that she does not recall attending such a meeting. Ms. Deveney further stated that Secretary Pollack had given her the authority to use her own discretion in deciding whether to proceed with certain projects and that the transitioning of out-of-state notification processing from the DCU to the MRB was one of those projects for which she did not feel she needed to separately discuss with anyone outside the RMV before giving approval for the transition to take place. Secretary Pollack stated during an interview that she had no contemporaneous knowledge of the existence of the backlog or the transferring of responsibility for processing paper out-of-state notifications from the DCU to the MRB, and that she first became aware of these issues subsequent to the Accident.

In May 2016, prior to the transfer of out-of-state notification processing responsibility from the DCU to the MRB, an MRB employee emailed the Assistant Secretary of the Executive Office for Administration and Finance with a copy to the MRB Board members, which included Ms. Deveney, the Attorney General, and the Commissioner of Insurance, as well as the Governor's Human Resource Office, and MRB's Acting Operations Manager. The email referenced the MRB employee's view regarding MRB staffing inadequacies resulting from failure to fill positions vacated due to resignations and retirements.¹³⁷ The MRB employee stated that the responsibilities of many of these vacant positions had been assumed by remaining employees. The MRB employee further stated that "the level of involvement required to satisfy these new assumed duties and responsibilities has increased to such an extent that we can no longer provide the high level of service that was formally [sic] provided to MRB's funding source, the auto insurance industry," and "compromising the ability of the Merit Rating Board to accomplish its work." Based on analysis of employee metric data provided by the MassDOT Chief of Staff, during the period of January 2015 through July 2019, the MRB Civil Citations unit employee count increased by 3 individuals, the MRB Criminal Citations unit employee count decreased by 3 individuals, and the MRB's Document Control unit employee count decreased by 2 individuals.¹³⁸

Period following the transfer of out-of-state notifications from the DCU to the MRB – While, according to Mr. Bowes, the MRB started processing notifications, prospectively, toward the end of 2016, a decision on how to handle the backlog was still pending at that time. Email communication between Mr. Costantino and Mr. Bowes indicated that: a) based on discussion between Mr. Bowes and Ms. Deveney, the RMV was waiting

¹³⁶ Email from Mr. Costantino to Mr. Bowes cc Ms. Deveney and Sara Lavoie on March 17, 2017 with subject "Out of State Citations."

¹³⁷ Email from Donna Brennan to Martha Walsh cc: Kristen Lepore, Erin Deveney, Maura Healy, Daniel Judson, Donna Cabey, and Governor's HR Office on May 31, 2016 with subject "MassDOT, Merit Rating Board – Staffing Inadequacies."

¹³⁸ Historical Headcounts Report for Non-service Center RMV January 2015 to July 2019.

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on direction from “Legal,”¹³⁹ and b) Mr. Costantino was hoping to “get confirmation from the Registrar and Governor’s office soon to proceed.”¹⁴⁰ See **Exhibit L** and **Exhibit M** to this report for these two emails. In addition, there was email communication from Mr. Bowes to MRB employees stating, “Project is on hold until the Governor’s office has had a chance to review.” See **Exhibit N** to this report.

Around the same time, there were discussions focused on how to allow the RMV to enter the backlog of out-of-state notifications into ALARS without triggering an adjudication (such as a suspension) for out-of-state offenses that were over six months old as of the date of entry into the system.¹⁴¹ ¹⁴² According to Division of Insurance personnel,¹⁴³ Mr. Bowes informed them in a routine meeting that the MRB wished to process the backlog without triggering suspensions for older infractions. To determine what changes to ALARS’ configuration would be necessary to accomplish that objective, the RMV asked Thale Winbush (“Mr. Winbush”), a third party contractor, to conduct an assessment. Mr. Winbush created a write-up of his analysis and submitted a pre-project estimate on January 6, 2017.¹⁴⁴ Mr. Winbush stated in an interview with Grant Thornton that, after submitting the pre-project estimate, he did not receive approval to proceed with the project but does not recall any reason being provided to him. Based on interviews Grant Thornton conducted with MassDOT personnel that interacted with Mr. Winbush on this issue, including Mark Newton, MassDOT System Programmer (“Mr. Newton”), Andy Sims, former Resource Manager for the MassDOT development team, and Ken Canaan, RMV Contractor, it is unclear why the RMV did not direct Mr. Winbush to make the necessary changes to the configuration of ALARS so the backlog could be processed without triggering suspensions for older infractions. However, according to Mr. Newton, there were multiple information system projects at MassDOT waiting for approval at that time and it was a matter of prioritization, in the context of the impending ATLAS Release 1 which would replace ALARS at the MRB.

Mr. Bowes stated that ultimately no direction was received from Ms. Deveney or anyone else on how to proceed with the backlog. According to Mr. Costantino, after transferring responsibility to the MRB and after shipping the backlog boxes to a warehouse, he did not stay actively involved in the matter other than answering occasional emails from the MRB.

Period following the deployment of ATLAS Release 1 – According to Mr. Bowes, after starting to process out-of-state notifications, the MRB experienced difficulty in keeping up with the volume, even before the deployment of ATLAS Release 1. Subsequent to the deployment, Mr. Bowes stated that the MRB ceased processing altogether due to such factors as difficulty adapting to the new technology, transaction volume, and resource availability. Shortly after the deployment of ATLAS Release 1, an ad-hoc group came together to address organizational issues that the new system was creating. The list of members in that group included individuals from the RMV, MassDOT, the Governor’s Office, FAST, and Accelare, Inc., among others, as reflected in a calendar invitation in **Exhibit O** to this report. This group appears to have met multiple times in the course of several weeks. Group participants who met in person did so at the RMV office in Quincy,

¹³⁹ Email from Mr. Bowes to Mr. Costantino on March 6, 2017 with subject “Out of State.”

¹⁴⁰ Email from Mr. Costantino to Mr. Bowes on February 23, 2017 with subject “Re: OOS.”

¹⁴¹ PPE – Out of State Violations Backlog – Changes to Adjudication dated January 6, 2017.

¹⁴² Email from Ken Canaan to Thale Winbush cc: Steve McCollem on October 31, 2016 with subject “SOC modification.”

¹⁴³ Brian Colby, Division of Insurance Executive Secretary and Manuel Chavez, Division of Insurance Counsel 2.

¹⁴⁴ PPE – Out of State Violations Backlog – Changes to Adjudication dated January 6, 2017.

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Massachusetts, in a conference room that was described as the “war room.” Based on interviews with FAST personnel, we understand that the primary issue, if not the only issue, that was addressed by this group related to the impact that ATLAS Release 1 was having on the Service Centers and the wait times, which had increased dramatically post-deployment of the new software. The new system, however, was deployed not only at the Service Centers but across the RMV organization. Difficulties encountered by RMV personnel in the Service Centers, therefore, could not have been necessarily considered unique to the Service Centers. We note that Mr. Bowes was listed in the calendar invitation for the group meetings as an “optional” attendee. We have not been able to determine whether he attended any of these meetings, although it is our understanding that the discussion focused only on issues that affected Service Centers.

Ms. Deveney acknowledges that she discussed individually with Mr. Bowes the difficulties that the MRB was encountering following ATLAS Release 1. Ms. Deveney also noted that she discussed those difficulties with Ms. D’Arbelloff, Secretary Pollack, Mr. Tesler, and Ms. Goddard. In response to questions from Grant Thornton, Mr. Tesler stated that he remembers a conversation with Ms. Deveney about the learning curve that the MRB and other areas of the RMV were experiencing in adapting to the new technology. Neither Ms. D’Arbelloff nor Ms. Goddard, however, recalled Ms. Deveney discussing with them challenges the MRB was experiencing, based on our interviews with them. Secretary Pollack stated that while she does not recall a specific conversation with Ms. Deveney about difficulties the MRB was experiencing, she recalls conversations about the impact of ATLAS Release 1 on the RMV in general.

Approximately five months following the deployment of ATLAS Release 1, Mr. Bowes in an email exchange with other MRB personnel addressing a public records request for certain out-of-state data, stated:

“OOS has not been processed since Release 1 **as our work is priority.**”¹⁴⁵ (Emphasis added) See **Exhibit P** to this report.

According to Ms. Deveney, she approved for the MRB to prioritize processing of in-state citations. In describing her rationale, she noted that even if out-of-state notifications were delayed in being processed, they were already reflected in the NDR (at least the more egregious violations) and would be applied to the driving record of a Massachusetts driver when such record was checked against the NDR, during license renewal or during any adjudication hearing in the interim. Until in-state citations were processed, however, there would be no record of the related violations in any system, Ms. Deveney stated.

Ms. Deveney separately stated that since 2018, she had to devote more attention to the Service Centers as operating objectives there were not being achieved, which in retrospect allowed her less time to address other areas within the RMV to the degree that she may have wished.

On March 6, 2019, MassDOT Audit Operations met with Mr. Bowes to discuss the results of an audit into MRB operations. During that meeting, MassDOT Audit Operations discussed with Mr. Bowes the existence of a backlog of out-of-state paper notifications at the MRB; those notifications had been diverted into a manual intervention queue requiring further review after being entered into ATLAS. MassDOT Audit Operations drafted an audit memorandum dated April 3, 2019 titled “RMV Merit Rating Board (MRB) – Special Projects

¹⁴⁵ Email from Mr. Bowes to Donna Cabey cc Ms. Ruffin on August 30, 2018 with subject “PRR.”

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Audit Preliminary Audit Findings – Final,” reflecting the finding along with a recommendation that processing of such notifications be assigned to the DCU.¹⁴⁶ See **Exhibit Q** to this report. Grant Thornton is not aware of this preliminary memorandum having been finalized. Ms. Deveney acknowledges that MassDOT Audit Operations discussed the audit findings with her prior to the Accident.

On March 19, 2019, Mr. Bowes drafted an email addressed to Ms. Deveney in which he wrote that based on his estimation, the MRB would need five full-time equivalent resources to process the backlog of out-of-state paper notifications that had build-up following ATLAS Release 1, and to be able to sustain processing of such notifications prospectively. See **Exhibit R** to this report. We have not seen evidence that this email draft was transmitted; however, in interviews, Mr. Bowes confirmed that he communicated to Ms. Deveney the need for five additional resources.

While the processing of paper out-of-state notifications had largely ceased in the MRB since the deployment of ATLAS Release 1, the Connecticut paper notification related to Mr. Zhukovskyy was received and remained unprocessed as of the date of the Accident.

v. Fail points contributing factor – Lack of emphasis on processing out-of-state notifications

Massachusetts has had a long-standing policy of not prioritizing the processing of out-of-state notifications. This policy spans multiple administrations of the state government’s executive branch. Specifically, Massachusetts is one of four states that is not part of the DLC,¹⁴⁷ a compact among 46 member states and the District of Columbia, committed to upholding and enforcing a number of provisions including:

- “Reporting of all traffic convictions and license suspension/revocations of out-of-state drivers to the home state licensing agency, as well as other appropriate information; and
- The assurance of uniform and predictable treatment of drivers by treating offenses committed in other states as though they have been committed in the home state.”¹⁴⁸

In an undated memorandum sent by a former RMV Legal Counsel to a former RMV Deputy General Counsel written on a letterhead listing Daniel Grabauskas as the RMV Registrar (who was the Registrar between 1999 and 2002), the RMV Legal Counsel stated:

“Not being a compact member has and would continue to present great risk to the Registry of Motor Vehicles. Drivers that current Massachusetts law requires to be suspended are not, and Massachusetts inherits many bad drivers and starts them off with clean records... it is clear that Massachusetts’s reputation suffers on a national AAMVA basis... decisions not to join focused largely on resource issues... states with lesser resources and technology have joined.”¹⁴⁹

¹⁴⁶ RMV Merit Rating Board (MRB) – Special Projects Audit Preliminary Audit Findings – Final dated April 3, 2019.

¹⁴⁷ What states are part of the DLC? via <https://www.dmv.pa.gov/Pages/FAQ%20Pages/Driver-License-Compact-FAQ.aspx> accessed September 20, 2019.

¹⁴⁸ What is the Driver License Compact? via <https://www.dmv.pa.gov/Pages/FAQ%20Pages/Driver-License-Compact-FAQ.aspx> accessed September 20, 2019.

¹⁴⁹ Driver’s License Agreement (DLA) Memorandum.

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The contents of this document were prepared solely for the use of the Commonwealth of Massachusetts – Registry of Motor Vehicles in the normal course of discharging its duties. It is not to be used, relied upon or referred to by any other party for any purpose.

A February 19, 2004 memorandum from the same RMV Legal Counsel to a Driver License Compact/Driver License Agreement Workgroup revisited the topic. This memorandum identified technological and resource issues that could arise when joining the DLC.¹⁵⁰ With respect to out-of-state notifications received by the RMV, both memoranda noted that with the exception of notifications received from New Hampshire, the RMV at the time was adding to Massachusetts drivers' records only out-of-state offenses for operating-under-the-influence and vehicular homicide. The memoranda further stated that many states do not send out-of-state notifications to non-DLC members, like Massachusetts. See **Exhibit A** to this report for both memoranda.

Based on discussions with the MassDOT General Counsel, while MassDOT was not aware of these memos prior to the Accident, it was aware of the pre-existing policy not to join the compact and continued such policy. Ms. Deveney confirmed that she was aware that the RMV did not participate in the compact.

vi. Fail points contributing factor – Inadequate operational control

Based on interviews and discussions we conducted, it is apparent that the switch from ALARS to ATLAS resulted in an adjustment phase for the impacted RMV employees. It is normal for organizations undertaking large-scale enterprise system implementations to experience such transformational periods. ATLAS, however, also provides greater visibility into operating performance. Management, for example, can easily assign and monitor progress on open work item queues for various departments and identify bottlenecks and other operational impediments.

Grant Thornton obtained an ATLAS Operation Summary Report as of May 29, 2019, a few weeks prior to the Accident and as of the date that the Connecticut electronic notification had been diverted into the manual intervention queue; that report showed the number of items in the queue pending review, further identifying approximately 50% of them as overdue by more than ninety days.¹⁵¹ Separately, we obtained an ATLAS Operation Summary Report Schedule, which identifies who at the RMV and MassDOT had subscribed to the ATLAS Operation Summary Report.¹⁵² Both Ms. Crispin and various RMV supervisors, but not Ms. Deveney, had subscribed to this report and, therefore, had visibility into the queues as early as July 2018.¹⁵³ Based on discussion with Mr. Macdonald, he was not actively using this system reporting functionality to monitor workflows in the various departments prior to the Accident, although the use of that functionality has been adopted since the Accident. In addition to the role of Chief Operating Officer, Mr. Macdonald was in charge of the Road Test and Driver Licensing department within which SPEX resides. Mr. Macdonald, therefore, was a supervisor of Ms. Crispin and would have reasonably been expected to be monitoring the operations of SPEX and other units under the umbrella of the Road Test and Driver Licensing department, including the existence of open and overdue work items in ATLAS queues.

Based on discussion with Ms. Deveney, she was not aware of the existence of this manual intervention queue or the build-up in it of work items pending review.

¹⁵⁰ Driver's License Agreement (DLA) Memorandum.

¹⁵¹ ATLAS Operation Summary Report dated May 29, 2019.

¹⁵² ATLAS Operation Summary Report Schedule dated August 1, 2019.

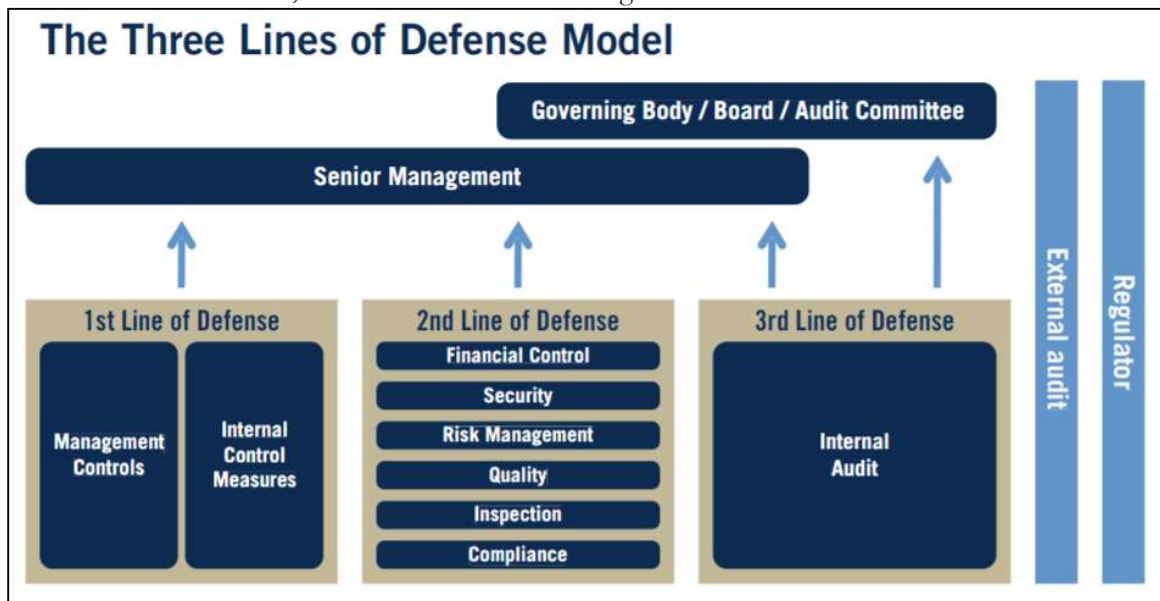
¹⁵³ Ibid.

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vii. Fail points contributing factor – Inadequate risk management

1. Impaired Three Lines of Defense

According to the Institute of Internal Auditors, the management of risk at an organization generally has three lines of defense, as illustrated in the following model:



Source: Institute of Internal Auditors Position Paper: *The Three Lines of Defense in Effective Risk Management and Control*, January 2013

First Line of Defense: The first line of defense consists of the operational managers who own and manage risks. Operational managers are responsible for the effective operation of internal controls and for executing risk and control procedures on a day-to-day basis. Operational managers identify, assess, control, and mitigate risks, guiding the implementation of internal policies and procedures and ensuring that activities are consistent with goals and objectives. They are the ones who will also implement corrective action to address control deficiencies.

With respect to the processing of out-of-state notifications at the RMV, the first line of defense was deficient. For the reasons discussed earlier in this report, two different processes meant to ensure the timely processing of electronic and paper out-of-state notifications, with each process assigned to different RMV departments, failed simultaneously. As a result, each of these notifications was held up in separate RMV processes as of the date of the Accident.

Second Line of Defense: The second line of defense includes risk management and compliance functions to help build and/or monitor the first line of defense. A financial controller, for example, monitors financial risk and financial reporting issues; a risk management committee facilitates and monitors the implementation of effective risk management practices by operational management, assists risk owners define risk exposures, and reports adequate risk-related information throughout the

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organization; and, a legal function monitors compliance with laws and regulations. It is the second line of defense that establishes appropriate standard operating procedures and controls to be followed in the normal course of business.

With respect to the processing of out-of-state notifications at the RMV, the second line of defense appears to have been deficient. It is the objective of the second line of defense to ensure that risks are identified and mitigated. While certain shared services departments, such as MassDOT Legal, can provide ad-hoc advice to the RMV on issues as they arise, the RMV does not appear to benefit from a defined and functioning second line of defense.

For example, we have not seen evidence of the RMV conducting an entity-specific risk assessment to identify and rank risks in terms of severity, or implementing mechanisms to monitor, on an ongoing basis, the effectiveness of the first line of defense in managing those risks. Clearly, the processing of out-of-state notifications poses a risk if not performed timely and appropriately. Risk contingency planning for events such as a major system implementation, like ATLAS, would also primarily be a function of the second line of defense; we have not seen evidence of such risk contingency planning.

Third Line of Defense: The third line of defense is internal audit. Internal auditors provide the governing body and senior management with comprehensive assurance based on the highest level of independence and objectivity within the organization. This high level of independence is not available in the second line of defense. Internal audit provides assurance on the effectiveness of governance, risk management, and internal controls, including the manner in which the first and second lines of defense achieve risk management and control objectives.

With respect to the third line of defense, the MassDOT Audit Operations team identified a backlog in the MRB processing of paper out-of-state notifications approximately three months before the Accident. This finding was communicated to Mr. Bowes prior to the Accident.¹⁵⁴ Ms. Deveney was also advised of the backlog.¹⁵⁵ In an interview with Grant Thornton, she stated that the MassDOT Audit Operations team had undertaken the audit at her request, although not specifically for the purpose of evaluating out-of-state notification processing. It is notable that the processing of paper out-of-state notifications had not been originally identified by the MassDOT Audit Operations team as a specific audit risk. The discovery of the backlog is largely attributed to the assigned internal auditor's inquisitiveness and persistence.

Complicating the job of the MassDOT Audit Operations team in conducting audits, is the fact that there appears to be no complete process walkthrough documentation for many significant end-to-end processes within the RMV (at least not in the non-field-service departments to which we have been exposed). Such process walkthroughs should include both system and non-system components, key individuals, relevant internal controls, and a description of a transaction's path from initiation to completion. Absent such documented walkthroughs, the MassDOT Audit Operations team must rely on institutional knowledge and professional judgment in identifying and selecting areas for testing.

¹⁵⁴ RMV Merit Rating Board (MRB) – Special Projects Audit Preliminary Audit Findings – Final dated April 3, 2019.

¹⁵⁵ Email from Brie-Anne Dwyer to Ms. Deveney cc: James Logan on April 22, 2019 with subject "MRB- update."

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2. Lack of Oversight by the Merit Rating Board

Chapter 6C section 57A of the Massachusetts General Laws stipulates that the oversight of the MRB is vested in a three-member board consisting of “the registrar of motor vehicles, who shall serve as chair, the Commissioner of Insurance and the Attorney General or a designee.”¹⁵⁶ We understand that this board’s first meeting since 2015 was in August 2019, when the board convened to terminate the employment of Mr. Bowes.¹⁵⁷ Based on discussion with the Acting Registrar, bi-weekly board meetings have been scheduled for the next few months. Mr. Bowes joined the MRB in 2016, and no meetings of the board took place during his tenure. Such meetings would have provided an opportunity for dialogue between Mr. Bowes and the board, which could have included discussion of issues related to the processing of out-of-state notifications. By virtue of the composition of the board’s membership, such meetings provide a forum for issues impacting the effectiveness and efficiency of MRB operations to be raised outside the RMV and MassDOT. The lack of such meetings represents a possible missed opportunity for discussion of the out-of-state notification process and related challenges.

3. Inadequate emphasis on risk management by the MassDOT Board of Directors

The bylaws of the MassDOT Board of Directors specifically identify the assessment and mitigation of major risks facing MassDOT as an objective of the board.¹⁵⁸ The bylaws also provide for the creation of a Finance and Audit Committee, among others, and stipulate that a charter for the committee should exist and be posted on the MassDOT website.¹⁵⁹ While we have identified no such charter on the MassDOT website, during its first meeting on November 2, 2009, the MassDOT Board of Directors adopted bylaws that created the Finance and Audit Committee and outlined its intended purpose. Those bylaws, in part, task the committee with the responsibility to oversee risk management at MassDOT.¹⁶⁰

In reviewing meeting minutes of the Finance and Audit Committee going back to January 2015, we identified frequent interactions between the committee and the director of MassDOT Audit Operations, but such interactions revolved largely around the director informing the committee on the results of specific audits he would undertake. We did not identify instances of substantive discussions with either the director or members of MassDOT management on wider enterprise risk assessment and mitigation. Understanding the various risks that an organization faces in the normal course of business enables an entity to timely deploy mitigation strategies. The MassDOT Finance and Audit Committee would not necessarily be expected to be aware of every single specific risk facing the organization. It would, however, be reasonably expected to ensure that management has appropriate mechanisms in place so MassDOT, and the various agencies under its umbrella, have visibility into and control over such risks (e.g., three functioning lines of defense).

¹⁵⁶ MRB Charter - MA General Law – Part I, Title II, Chapter 6C, Section 57A dated 2015.

¹⁵⁷ Interim chief of Massachusetts RMV’s Merit Rating Board named – Boston Herald dated August 22, 2019.

¹⁵⁸ Bylaws of the Massachusetts Department of Transportation as amended September 12, 2016.

¹⁵⁹ Ibid.

¹⁶⁰ MassDOT Board of Directors – Standing Committee on Finance and Audit dated November 2, 2009 pg. 1.

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B. Understand Processes, Internal Controls, and Policies

Gain an understanding of processes, internal controls, and policies with respect to the timely processing by the RMV of state-to-state notices of motor vehicle violations.

i. Remedial process regarding backlog of paper notifications after the Accident

1. Paper Backlog Processing

Subsequent to the Accident, the RMV took steps to identify unprocessed paper out-of-state notifications in order to triage them and post the most egregious violations to drivers' records.¹⁶¹ That process resulted in 2,039 suspension actions for 1,607 individuals.¹⁶² Grant Thornton discussed the remediation process with the relevant RMV personnel and tested a haphazardly selected sample of paper out-of-state notifications to determine whether the remediation occurred as communicated. The remediation process included the following three steps:¹⁶³

- Step 1 – “Triage” – A team of RMV employees opened boxes/mail bins of unprocessed paper out-of-state notifications and segregated notifications with egregious ACD codes from notifications with non-egregious ACD codes. The notifications with egregious codes were further separated into individual piles of each code to be moved on to Step 2.
- Step 2 – “Look-up” – For notifications with egregious codes identified in Step 1, a separate team of RMV employees performed AAMVA inquiries through ATLAS to determine if the affected licensees had either their Class D or CDL privileges suspended in any other jurisdiction. If so, those notifications were moved to Step 3.
- Step 3 – “Record Update” – A third team of RMV employees, the “Add Conviction Team,” performed additional AAMVA research through ATLAS to determine whether the affected licensees from Step 2 already had their licenses suspended in Massachusetts. If not, this team would make the necessary updates on the licensees driving records in order to suspend their Massachusetts license.

Step 1 - “Triage” – During testing of Step 1 of the RMV’s three-step process, we identified the following:

- Five boxes of notifications labeled with dates of 2017 and 2018 appeared to have been improperly excluded from the remediation process. Grant Thornton analyzed the contents of approximately half of one of those boxes, and noted 180 egregious notifications that were erroneously triaged as non-egregious, and, therefore, not subjected to the remaining

¹⁶¹ The RMV has categorized ACD codes as either egregious or non-egregious. Grant Thornton notes that the classification has changed over time. For purposes of the egregious and non-egregious categorizations referenced in this report, alcohol-related ACD codes were always categorized as egregious. It is our understanding that the RMV is awaiting MassDOT Legal’s guidance as to how to handle A33 ACD codes (illegal possession of drugs).

¹⁶² RMV Preliminary Memorandum #3 dated July 12, 2019.

¹⁶³ RMV Preliminary Memorandum dated July 1, 2019.

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remediation process, which could have resulted in license revocations or suspensions. The 180 misclassified notifications included the following ACD codes:

ACD Code ¹⁶⁴	ACD Code Description	Count
A08	Driving or operating a motor vehicle under the influence of alcohol with BAC at or over .08	2
A12	Refused to submit to test for alcohol	1
A21	Driving or operating a motor vehicle under the influence of alcohol	3
A25	Driving or operating a motor vehicle while impaired	2
A33	Illegal possession of drugs (controlled substances)	5
A35	Possession of open alcohol container while driving or operating a motor vehicle	1
A98	Administrative Per Se for BAC at or over .08	1
B04	Hit and run – failure to stop and render aid after accident – property damage accident	1
M81	Careless driving or operating a motor vehicle	3
M84	Reckless driving or operating a motor vehicle	161
TOTAL		180

Grant Thornton discussed the matter with a RMV supervisor who worked on the remediation process, who concluded that the five boxes had not been processed appropriately. Based on discussion with the Acting Registrar, the RMV has begun to process these five boxes.

- Separate from the five boxes described above, Grant Thornton identified an additional 15 egregious notifications that had been erroneously triaged as non-egregious, and therefore not subjected to the remaining remediation process. To determine whether these notifications could have resulted in license suspensions had they not been erroneously triaged, we asked an RMV employee to query ATLAS in order to determine whether any of them related to drivers that had either their CDL or Class D privileges suspended in another jurisdiction; any suspension in another jurisdiction would require a reciprocal suspension in Massachusetts. None of these 15 notifications were found to relate to drivers that had any of their privileges suspended in another jurisdiction.

Step 2 - “Look Up” – Grant Thornton selected a haphazard sample of 100 paper out-of-state notifications that were classified as egregious in Step 1, and asked the RMV to query ATLAS (in our presence) in order to determine whether the RMV researched the eligibility status of the related drivers in other jurisdictions as part of the remediation process. Any suspension in another jurisdiction would have required a reciprocal suspension in Massachusetts. Based on these 100 selections, we identified the following:

¹⁶⁴ ACD AAMVA Code Dictionary Manual Release 5.2 dated 2018 pgs. 39-40, 45.

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- For one selection, the RMV did not inquire on the driver's eligibility status in other jurisdictions,¹⁶⁵
- For four selections, while the RMV did inquire on the drivers' eligibility status in other jurisdictions, it failed to escalate the notification to Step 3 of this process for further evaluation and possible suspension.

Step 3 - "Suspension" – Because the results of our testing in Step 1 and Step 2 indicated that the remediation process was not implemented effectively (albeit in the context of a crisis response, which required the undertaking of immediate and unplanned action), Grant Thornton did not deem it necessary to test Step 3.

Further, we note that during the remediation process, the RMV identified Massachusetts license holders who had egregious violations in other states, but whose driving privileges in those states were not suspended as of the time of the triage. Since the RMV's remediation approach entailed suspending license privileges only if i) an egregious violation occurred in another state, and ii) the other state had suspended the license as of the time of the triage, these licenses were not suspended but were instead referred to the MassDOT General Counsel for further evaluation. As of the date of this report, such evaluation is still pending.

2. 5.2M Driver NDR Batch Process

After the Accident, the RMV undertook a process to compare the driving records of its 5.2 million licensed drivers against the NDR in order to determine whether Massachusetts-licensed drivers had their privileges suspended in other jurisdictions, in which case the RMV would also suspend those drivers' licenses in Massachusetts (the "5.2M Driver NDR Batch Process"). Based on discussion with the Acting Registrar, this NDR check is generally performed only at the time of licensure or renewal. Grant Thornton obtained an understanding of this process and its risks, which are described in further detail below, but did not test the process.

The RMV, with assistance from FAST representatives, sent information for approximately 5.2 million Massachusetts drivers through AAMVA to the NDR to determine whether a "pointer" existed for that driver in another state.¹⁶⁶ Based on discussion with FAST representatives, a pointer indicates that a driving record exists for that driver in a state other than Massachusetts, but it does not provide any details regarding why a record exists in another state. The RMV reported that 166,317 driver records had a pointer to another state.¹⁶⁷

¹⁶⁵ Inquiry performed at the time of Grant Thornton's observation reflected that the driver was eligible in other jurisdictions.

¹⁶⁶ RMV Preliminary Memorandum #5 dated August 15, 2019.

¹⁶⁷ Ibid.

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- This portion of the 5.2M Driver NDR Batch Process relies on other states to accurately update the NDR with information that occurs within their state. If another state does not report accurate and timely information to the NDR, then the RMV may not have obtained relevant information on whether a driver licensed in Massachusetts has a record in another jurisdiction.

Next, the RMV inquired with the Problem Driver Pointer System (“PDPS”) for those 166,317 drivers to determine if the drivers are eligible to operate a vehicle in that state.¹⁶⁸ Based on discussion with FAST representatives, PDPS is not a database, but rather an AAMVA service that facilitates obtaining the eligibility status of drivers in other states. Further, PDPS does not confirm that a suspension belongs to a specific Massachusetts-licensed driver, nor does it provide any details regarding the reason for suspension.

Based on information obtained through the above process, the RMV initiated suspension proceedings.¹⁶⁹ According to FAST representatives, if someone was not eligible for a license in another state, the RMV also suspended the driver in Massachusetts as part of this process.

- This portion of the 5.2M Driver NDR Batch Process does not take into account offenses that occurred in another state that did not result in a suspension in that state, but that would normally result in a suspension in Massachusetts.
- Furthermore, Massachusetts suspends licenses based on cumulative offenses, and lengths of such suspension periods may depend on the number of consecutive offenses.^{170 171 172} The 5.2M Driver NDR Batch Process also does not take into account this scenario. Rather, the purpose of the process was to identify Massachusetts drivers who had their privileges suspended in other jurisdictions, so Massachusetts can initiate reciprocal suspensions.¹⁷³
- Finally, for certain licensed drivers, the information provided by PDPS did not exactly match an individual driver’s name, date of birth, and social security number. For those instances, the RMV is undertaking a manual process to determine whether each driver is a Massachusetts licensee.¹⁷⁴

As of September 16, 2019, the RMV has suspended 1,869 licenses pursuant to the 5.2M Driver NDR Batch Process.¹⁷⁵

¹⁶⁸ RMV Preliminary Memorandum #5 dated August 15, 2019.

¹⁶⁹ Ibid.

¹⁷⁰ Speeding tickets – MA General Law - Part I, Title XIV, Chapter 90, Section 20.

¹⁷¹ Surchargeable events – MA General Law - Part I, Title XXII, Chapter 175, Section 113B.

¹⁷² Habitual traffic offender – MA General Law - Part I, Title XIV, Chapter 90, Section 22F.

¹⁷³ RMV Preliminary Memorandum #5 dated August 15, 2019.

¹⁷⁴ Ibid.

¹⁷⁵ “More than 5,200 Massachusetts driver’s licenses suspended amid RMV review, acting registrar says”, September 16, 2019, MassLive.com.

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ii. **Current out-of-state notification processing**

1. **Electronic inbound notifications – CDL**

The RMV receives electronic inbound notifications from other jurisdictions through AAMVA. The AAMVA Network Services operate in a hub-and-spoke fashion, with all notifications passing through the hub of AAMVA servers (“Central”). AAMVA provides a particular software application (“UNI”) to each network participant (i.e. registries of motor vehicles from different states) allowing each to communicate with the network. Central provides notification routing and basic notification validation among the various UNI applications. The MassDOT Information Technology department maintains the server running the Massachusetts UNI application, and that same departments ensures that the UNI application is running. The MassDOT Information Technology department relies on AAMVA to provide troubleshooting for the UNI software.

We performed a reconciliation for the period of September 8, 2019 to September 30, 2019 of notifications that the Massachusetts UNI receives from AAMVA with notifications that the UNI logged as having been sent to ATLAS in order to determine whether all notifications received from AAMVA were sent to ATLAS. To perform this reconciliation, we separately obtained data from the Massachusetts UNI showing notifications received by the UNI from AAMVA and logged by the UNI as having been sent to ATLAS. The MassDOT Information Technology department provided the data from the Massachusetts UNI. This analysis indicated that 19,345 notifications out of 1,681,680 received by the UNI from Central were not logged by the UNI as having been sent to ATLAS. The analysis also indicated that 19,255 of the 19,345 were noted by the UNI as being undeliverable. This information has been shared with AAMVA, and at the time of this report, AAMVA stated they are in the process of identifying the reasons these messages were not logged by the UNI as being sent to ATLAS.

We also compared the messages logged¹⁷⁶ by the Massachusetts UNI as having been sent to ATLAS to the incoming message log of ATLAS for the period of July 28, 2019 to August 20, 2019,¹⁷⁷ utilizing a UNI identifier called the *message control key*.¹⁷⁸ FAST provided the data from the ATLAS database, and the MassDOT Information Technology department provided the data from the UNI. This analysis indicated that 441 out of 1,572,784 notifications sent by the Massachusetts UNI were not automatically incorporated into ATLAS. This list of 441 notifications was provided to FAST for analysis. According to FAST:

¹⁷⁶ Electronic out-of-state items that come into ATLAS are referred to as “messages” within the UNI and ATLAS software.

¹⁷⁷ Per discussion with the MassDOT Information Technology department, the UNI system is configured by default to only retain approximately four weeks of log data. As such, Grant Thornton used this available data for the reconciliation efforts.

¹⁷⁸ The Massachusetts UNI data was further filtered to include only the three applications being utilized by ATLAS: Problem Driver Pointer System, Social Security Online Verification, and State Pointer Exchange Services.

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- 368 notifications were routed to a FAST specific manual review queue so that they could subsequently be resolved by FAST representatives, the RMV, and the MassDOT Information Technology department. As of September 30, 2019, 47 of these messages were still in the queue as part of the resolution process, with 26 of them scheduled to be resolved within a week.
- 69 notifications contained an error, but they were successfully processed into ATLAS on the subsequent day.
- 3 notifications were not received by ATLAS when another jurisdiction of the AAMVA's Network Services requested data, due to network issues. FAST stated to Grant Thornton that the common practice in the industry is for the other jurisdiction to send an additional request if that jurisdiction does not receive a response from Massachusetts in a timely fashion.
- 1 notification could not be reconciled, as it appeared to be outside the date range of the data available for Grant Thornton's review.

2. Paper inbound notifications – Class D and CDL

Based on interviews conducted and discussions with RMV employees, Grant Thornton understands that the RMV has formed a temporary unit, made up of personnel from various departments and reporting to the Acting Registrar, for the purpose of processing daily paper inbound out-of-state notifications. Grant Thornton observed the work of the temporary unit. Based on Grant Thornton's observation, the following process appears to occur on a daily basis:

- A group of RMV employees opens incoming out-of-state paper mail notifications, separating the notifications into egregious and non-egregious ACD code groups.
- A second group of RMV employees scans and uploads all notifications into ATLAS.
- A third group of RMV employees processes the egregious ACD code notifications within ATLAS, which may result in a suspension and/or a notification to the licensee.¹⁷⁹

As of August 22, 2019 and August 23, 2019, the dates of our observation/walkthrough, the RMV was not processing non-egregious ACD code notifications.

According to the Acting Registrar, the RMV has designated 11 full-time employees as a processing unit reporting directly to the Deputy of Public Safety for the purpose of processing daily paper inbound out-of-state notifications. Further, the Acting Registrar stated that the unit has begun to process both egregious and non-egregious notifications.

¹⁷⁹ The scanning and uploading portion of the daily Paper Inbound Mail notification process is performed by RMV employees who are not currently part of the Out-of-State Notifications Processing Unit.

3. Electronic outbound notifications – CDL

- a. **ATLAS to Massachusetts UNI** – When the RMV needs to send a message to another jurisdiction that is part of AAMVA’s Network Services, ATLAS sends a message to the Massachusetts UNI (see earlier related discussion in Section VI.B.ii.1.), which then routes it to the appropriate jurisdiction. We compared the outgoing messages as logged by ATLAS to the Massachusetts UNI message log to determine if the Massachusetts UNI was receiving all of the outgoing messages sent by ATLAS for the period August 11, 2019 through August 20, 2019, noting no exceptions.
- b. **Massachusetts UNI to other jurisdictions** – Once the Massachusetts UNI receives an outgoing message from ATLAS, it then attempts to transmit it to other jurisdictions via AAMVA’s CDLIS. Based on interviews and discussions, Grant Thornton understands that the RMV sends notifications about CDL drivers to CDLIS and receives error reports when a message is unable to be transmitted or received properly. FAST representatives stated that as of August 14, 2019, there were 2,291 outstanding error messages related to communications by Massachusetts to other jurisdictions about verdicts and withdrawals for CDL drivers, and these were not included in any queues in ATLAS. Based on discussion with Ms. Crispin, however, she receives a daily report containing these outbound CDLIS error messages.

Grant Thornton discussed this process with FAST representatives and Ms. Crispin. Subsequent to the issuance of Grant Thornton’s Preliminary Report, FAST representatives indicated that the 2,291 messages were resent by ATLAS and that any remaining error messages were manually resolved by RMV employees in August 2019. In addition, based on these discussions, ATLAS was re-configured to route any new error messages into ATLAS work items, instead of solely existing on a daily report. This allows RMV employees to easily track the number of outstanding CDLIS error messages and their resolution within ATLAS. As of October 2, 2019, there were 45 open work items (i.e. error messages from CDLIS outbound notifications), all of which were outstanding for less than 30 days.¹⁸⁰

- c. **Timeliness and accuracy of RMV electronic CDL outbound notifications** – Grant Thornton obtained and analyzed the July 2019 CDLIS Timeliness and Accuracy Summary Workbook maintained by AAMVA and noted the following with respect to the RMV’s outgoing electronic notifications for CDL licensees.¹⁸¹

¹⁸⁰ ATLAS Operation Summary Report dated October 2, 2019. Per discussion with FAST, the work items related to these notifications are “Send Withdrawal Failed,” “Send Withdrawal Negate Failed,” “Send Conviction Failed,” and “Send Conviction Negate Failed.”

¹⁸¹ July 2019 CDLIS Timeliness and Accuracy Summary Workbook, created by AAMVA. All reported figures exclude states for which no data or rating was available.

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- RMV data quality for conviction notifications – For the period of August 2018 through July 2019, 8.75% of conviction notifications that the RMV sent to CDLIS were returned in error due to data integrity issues, compared to 0% in the preceding twelve months. Compared to other states, Massachusetts had the fifth worst error rate for the period.
- RMV timely reporting of conviction notifications¹⁸² – For the period of August 2018 through July 2019, 94.91% of conviction notifications that the RMV sent to CDLIS were sent within ten days of the date of the disqualification/suspension, compared to 65.25% in the preceding twelve months. Compared to other states, Massachusetts had the twelfth best rate of timely reported withdrawals for the period.
- RMV data quality for withdrawal notifications – For the period of August 2018 through July 2019, 35.75% of withdrawal notifications that the RMV sent to CDLIS were returned in error due to data integrity issues, compared to 0% in the preceding twelve months. Compared to other states, Massachusetts had the third worst rate of data quality withdrawals errors for the period.
- RMV timely reporting of withdrawal notifications¹⁸³ – For the period of August 2018 through July 2019, 22.39% of withdrawal notifications that the RMV sent to CDLIS were sent within ten days of the date of the conviction, compared to 96.39% in the preceding twelve months. Compared to other states, Massachusetts had the sixth worst rate of timely reported withdrawals for the period.

4. Paper outbound notifications – Class D

It is our understanding that with regard to Class D license holders from other states who receive citations in Massachusetts, historically, the RMV has not mailed notifications to those other states. Based on discussions with Mr. Macdonald, we understand that the RMV started mailing notifications to other states during the week of August 5, 2019, under a process through which once infraction data is entered into the system, a letter is produced for printing and mailing by the Massachusetts' central printing facility in Chelsea, Massachusetts. Grant Thornton has not observed this process. The Acting Registrar stated the RMV currently sends a weekly batch of outbound notifications to other states.

¹⁸² Federal Regulation 384.209 “Notification of traffic violations.”

¹⁸³ Federal Regulation 384.208 “Notification of disqualification.”

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C. Recommendations:

Recommend improvements with respect to risk management, internal controls, protocols, and policies impacting the effectiveness and efficiency of RMV responses to reports of state-to-state motor vehicle violations that may warrant or require the suspension or revocation of passenger and/or commercial driver licenses.

i. Governance and Control Environment

1. **Second line of defense** – Consistent with our findings in the root cause analysis section of this report, Grant Thornton recommends that the RMV enhance its second line of defense with respect to risk management. The risks that the RMV faces in the ordinary course of business are diverse, consequential, and not limited to safety. Those risks may include, but are not limited to:
 - Untimely processing of in-state and out-of-state data that impacts the driving privileges of CDL and Class D license holders,
 - Issuing licenses and identification cards with fraudulent or insufficient documentation,
 - Cash embezzlement,
 - Lax oversight of school buses and drivers licensed to drive them,
 - Lax oversight of driver education schools, and
 - Non-compliance with various federal and state regulations.

The internal audit function is an important independent function in the overall risk management of an organization, but relying on internal audit as the sole defense against the materialization of such risks is not a sound risk management practice. A second line of defense that is closer to the process owners is prudent and warranted. In our Preliminary Report, we recommended that the RMV hire a Chief Compliance and Risk Officer. Based on discussions with Mr. Tesler, the RMV has hired a Chief Compliance Officer effective September 30, 2019. We recommend that the RMV consider tasking the Chief Compliance Officer with the mandate of identifying and mitigating risk, in part, through: an enterprise-wide risk assessment, risk ranking and prioritization, and adoption of effective mitigating strategies, controls and protocols. The Acting Registrar stated that he has discussed this objective with the Chief Compliance Officer.

2. **Employee perception regarding organizational priorities** – Based on interviews and focus groups we conducted, we have become aware of a prevalent perception among RMV employees that management did not assign the same importance to the back office operations as it did to the operations of the Service Centers. That may be attributed to the emphasis on reducing wait times at the Service Centers as reflected in the “RMV Strategic Plan 2017-2019.”¹⁸⁴ Grant Thornton recommends that management at MassDOT and the RMV engage with RMV employees at all levels, communicate the importance of each department’s role to the overall mission of the agency, and actively support those departments in overcoming challenges and achieving their respective objectives. To ensure high employee engagement and productivity, it

¹⁸⁴ RMV Strategic Plan 2017-2019 pg. 32.

is imperative that management and employees are aligned with respect to organizational priorities, and ways of achieving them as a team. The achievement of organizational objectives can be hindered when the perception of rank-and-file personnel deviates from management's reality, regardless of whether such perception is justified or not.

3. **Governance of the MassDOT Finance and Audit Committee** – The bylaws of the MassDOT Board of Directors assign primary responsibility for risk management to the board.¹⁸⁵ The board, in its initial meeting on November 2, 2009, adopted bylaws that created the Finance and Audit Committee and outlined its mandate.¹⁸⁶ Such mandate, in part, includes the responsibility to oversee risk management at MassDOT. Grant Thornton recommends that those bylaws be amended to enable the Finance and Audit Committee to investigate any matter brought to its attention and authorize it to retain outside counsel and advisors, as needed, with the related cost funded by MassDOT. We further recommend that the Finance and Audit Committee be empowered to meet in executive session with the director of MassDOT Audit Operations or others as it deems necessary in meeting its risk mitigation objectives. Finally, the MassDOT Board of Directors should consider bifurcating the MassDOT Finance and Audit Committee into two separate committees – a Finance Committee and an Audit Committee – in order to provide enough time for the latter to focus exclusively on audit and risk matters. We understand that some of these recommendations may require legislative review and approval.
4. **Oversight over MassDOT Audit Operations** – MassDOT Audit Operations should have reporting relationships that enhance independence and objectivity. Consistent with best practices, Grant Thornton recommends that MassDOT Audit Operations report functionally to the MassDOT Finance and Audit Committee and administratively to the MassDOT Secretary.¹⁸⁷ Furthermore, the MassDOT Finance and Audit Committee and the MassDOT Secretary should have joint responsibility with respect to the annual performance evaluation of the MassDOT Audit Operations director. In addition, the MassDOT Finance and Audit Committee should: i) ensure that a holistic approach to risk management is pursued through a continuous enterprise-wide risk assessment and mitigation, ii) review and approve each year's internal audit plan in advance, and iii) frequently meet with the MassDOT Audit Operations director in executive session.
5. **Meetings of the Merit Rating Board** – As previously discussed in this report, the three-member board of the MRB held no meetings during the tenure of Mr. Bowes as director of the MRB; the board's August 2019 meeting convened to terminate the employment of Mr. Bowes, represented its first since 2015. The board has an important oversight role over the MRB and should meet regularly. Based on discussion with the Acting Registrar, bi-weekly board meetings have been scheduled for the next few months.

¹⁸⁵ Bylaws of the Massachusetts Department of Transportation Board of Directors as amended through September 12, 2016.

¹⁸⁶ MassDOT Board of Directors – Standing Committee on Finance and Audit dated November 2, 2009 pg. 1.

¹⁸⁷ The Audit Committee: Internal Audit Oversight via <https://na.theiia.org/standards-guidance/Public%20Documents/The-Audit-Committee-Internal-Audit-Oversight-Implementing-Best-Practices-and-Higher-Standards.pdf> accessed September 10, 2019.

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6. **Whistleblower reporting mechanisms** – Based on interviews and focus groups we conducted, we have become aware of a general lack of understanding among RMV personnel on ways to raise concerns regarding suspected misconduct or actions/inactions contributing to public safety risk, outside the normal chain of command. Although RMV employees have the ability to raise concerns through various outlets, such as the Massachusetts Office of Inspector General’s Fraud Waste and Abuse Hotline, the MassDOT Office of Policy and Employee Relations, and the MassDOT Human Resource Portal, it appears that the existence of such mechanisms or ways to access them is not well understood. Furthermore, employees seemed unaware of anti-retaliatory protections that may be available to them in connection with reporting suspected misconduct. We recommend that MassDOT undertake a campaign to educate its employees on available means to report concerns and on existing anti-retaliatory protections. We further recommend that MassDOT consider adopting a single hotline (accessible electronically and telephonically, and which provides the option for anonymous reporting) for all types of complaints, which upon receipt can be triaged and referred to the appropriate department for follow up. A single hotline that is well advertised is easier for employees to remember and may encourage reporting of concerns. MassDOT Audit Operations, in addition to MassDOT’s legal office and other relevant compliance functions, should have visibility to all incoming complaints and should periodically brief the MassDOT Finance and Audit Committee on the nature of complaints received.
7. **Code of Conduct** – Based on our work, we understand that while union personnel are subject to written codes of conduct,^{188 189} included in their union contracts, MassDOT does not have a written code of conduct for management/non-union employees.¹⁹⁰ Best governance practices require that all employees have full and fair notice of their professional and ethical obligations, and that all employees are held to the same standard. We recommend that the RMV adopt a universal code of conduct that applies to all employees.
8. **Management of ATLAS Work Groups and queues** – A Work Group in ATLAS is defined as a group of users performing related tasks. Each RMV unit, such as SPEX, belongs to its own Work Group.¹⁹¹ An RMV employee is only assigned to one Work Group, but within a Work Group, multiple queues exist that contain work items that need to be addressed. However, each queue within a Work Group does not necessarily only contain work items relevant to that specific Work Group. At times, a queue comingles work items that individually are relevant to separate Work Groups. That could cause confusion to RMV employees from one Work Group when they are assigned to work on a queue that contains work items from other Work Groups, which in turn prevents the timely and efficient handling of specific work items. We recommend that each queue within a Work Group contain only work items relevant to that specific Work Group, or alternatively a filtering process be put in place to allow employees to easily access within each queue only the work items relevant to the Work Group to which they are assigned. A clear and linear relationship of work items, queues, and Work Groups will allow RMV management to

¹⁸⁸ Code of Conduct for Commonwealth of Massachusetts NAGE Unit One Employees.

¹⁸⁹ Code of Conduct for Commonwealth of Massachusetts NAGE Unit Six Employees.

¹⁹⁰ Based on discussion with MassDOT Employee Relations.

¹⁹¹ ATLAS Task Management Guide dated April 27, 2018.

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easily determine the number, types, and aging of each work item and queue, including who is responsible for open tasks. We recommend that RMV management coordinate with FAST representatives to achieve this.

9. **Regular audits of out-of-state notification controls** – We recommend that MassDOT Audit Operations, on a frequent basis, evaluate the design and operating effectiveness of controls around the out-of-state notification process, both incoming and outgoing, for CDL and Class D.

ii. **Electronic Out-of-State Notifications**

1. **Incoming CDL out-of-state notifications regarding suspensions** – Currently, when a Massachusetts driver's license is suspended/revoked in another jurisdiction, an indefinite suspension is imposed on their Massachusetts license until the right to operate has been restored in the other state/jurisdiction.¹⁹² Drivers with future-dated out-of-state suspensions retain driving privileges in Massachusetts until the effective date imposed by their state of conviction.¹⁹³ In the interim, however, the risk exists that the driver may have a new egregious infraction. The RMV should consider the risk of not immediately suspending a driver with an impending out-of-state suspension, and evaluate the feasibility of accelerating such suspensions in Massachusetts. Further, the RMV should consider whether the current configuration of ATLAS, which allows for suspensions with an effective date of up to one year in the future, is reasonable based on the suspension policies of other jurisdictions. For example, if it is very unlikely for another jurisdiction to have a future-dated suspension of more than 30 days in the future, the RMV should consider having an employee manually review any future-dated suspension of more than 30 days to determine if there are any data integrity issues with the date of suspension.
2. **Outgoing notifications to FMCSA regarding Canadian and Mexican CDL holders** – The FMCSA requires states to notify them of infractions that occur within Massachusetts by CDL holders licensed in Canada or Mexico.¹⁹⁴ This information allows the FMCSA to identify Canadian or Mexican CDL holders whose infractions in various jurisdictions may warrant the revocation of their driving privileges within the United States. According to the FMCSA, the RMV historically has not submitted this information.¹⁹⁵ ¹⁹⁶ This issue was discussed during a July 2019 FMCSA meeting, conducted on-site at the RMV and which Grant Thornton attended. Subsequent to that meeting, we understand that the RMV began submitting traffic violations committed by CDL holders licensed in Canada or Mexico to the Foreign Convictions and

¹⁹² RMV Driver Licensing/AAMVA/OOS Convictions Policies – Out-of-State Suspensions Policy dated August 20, 2018 pg. 15.

¹⁹³ Out of state suspensions and revocations via <https://www.mass.gov/service-details/out-of-state-suspensions-and-revocations> accessed September 26, 2019.

¹⁹⁴ AAMVA CDLIS State Procedures Manual Release 5.3.3 dated December 2015 pg. 151.

¹⁹⁵ Discussion with FMCSA on July 18, 2019.

¹⁹⁶ FMCSA Massachusetts CDL Annual Program Review dated December 21, 2018.

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Withdrawals Database (FCWD),¹⁹⁷ per FMCSA procedures.^{198 199} Grant Thornton recommends that the RMV continue to update the FCWD with convictions and withdrawals of Canadian and Mexican CDL holders on an ongoing basis.

3. **Timeliness and accuracy of outgoing electronic CDL notifications** – As discussed in this report, the RMV’s timeliness and accuracy of outgoing electronic CDL notifications often lags those of other jurisdictions. Grant Thornton recommends that the RMV regularly use the monthly CDLIS Timeliness and Accuracy Summary Workbook prepared by AAMVA as a tool to benchmark the RMV’s performance against other jurisdictions and to identify process weaknesses that need to be addressed.

iii. Paper Out-of-State Notifications

1. **Re-processing of paper backlog** – As discussed in section VI.B.i.1 of this report, the remediation process undertaken by the RMV in order to process the backlog of paper out-of-state notifications after the Accident was not implemented effectively (albeit in the context of a crisis response, which required the undertaking of immediate and unplanned action). Separately, as discussed in section VI.B.i.2 of this report, there are inherent limitations in the 5.2M Driver NDR Batch Process. Based on the above, the 5.2M Driver NDR Batch Process cannot necessarily be relied upon to compensate for any suspensions that the paper out-of-state notification remediation process fails to appropriately post to a driver’s record. Based on discussions with the Acting Registrar, the RMV has begun to re-process the paper out-of-state notification backlog.
2. **Processing of incoming non-egregious ACD code notifications** – The RMV did not process non-egregious ACD code violations as part of the remediation process related to the backlog of out-of-state notifications. Furthermore, even when the RMV historically did process out-of-state notifications in the normal course of business, only the most egregious violations were posted to drivers’ records. License suspensions, however, can result due to the accumulation of a specified number of non-egregious violations or a combination of egregious and non-egregious violations.^{200 201 202} By not processing non-egregious violations, drivers who would otherwise have their licenses suspended can continue operating vehicles with valid Massachusetts licenses. Grant Thornton recommends that the RMV process all non-egregious out-of-state violations both as part of the backlog remediation process as well as prospectively in the normal course of business.

¹⁹⁷ FCWD is a repository for convictions and withdrawals of Canadian/Mexican CDL holders of a moving traffic violation while operating any type of vehicle and foreign drivers convicted of a moving traffic violation while operating a commercial motor vehicle.

¹⁹⁸ Email chain between Bob Rowland and TechAnax (FMCSA contractor) on August 6, 2019 with subject “MA Paper Documents for Foreign Drivers emailed/mailed to TechAnax.”

¹⁹⁹ FCWD Canada and Mexico Convictions Report dated August 5, 2019.

²⁰⁰ 3 Speeding tickets – MA General Law - Part I, Title XIV, Chapter 90, Section 20.

²⁰¹ Surchargeable events – MA General Law - Part I, Title XXII, Chapter 175, Section 113B.

²⁰² Habitual traffic offender – MA General Law - Part I, Title XIV, Chapter 90, Section 22F.

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iv. Training

1. **Job-specific and process-specific training** – Interviews and focus groups with RMV personnel indicate a strong and shared sentiment that sufficient job-specific training is lacking. Similarly, a retrospective analysis of challenges encountered and lessons learned from the deployment of ATLAS Release 1, commissioned by MassDOT, characterized the employee training provided prior to the deployment as “inadequate.”²⁰³ While the high-level objectives of the RMV’s various departments did not change as part of the ATLAS implementation, with the exception of the impact of Real ID on SPEX and Enforcement Services, the new system altered the manner through which daily tasks are accomplished. The lack of sufficient training is exacerbated by the fact that the RMV does not have fully developed standard operating policies for all departments. Rather, focus group participants stated that they were directed to use standard operating policies that existed prior to ATLAS and apply them to ATLAS, which they stated caused confusion. We recommend that the RMV evaluate areas where additional training can be beneficial to employees and provide such training through the engagement of management and the appropriate subject matter experts within the RMV. We further recommend that the RMV undertake a process to document the flow through of all major processes and update/supplement its standard operating procedures.

v. Resources

1. **Capacity and resource management analysis** – Based on an interview with Accelare Inc., we understand that the RMV performed a capacity and resource management analysis for its Service Centers at some point subsequent to 2015. The purpose of such an analysis was to determine whether the right level and number of resources were available to achieve the Service Centers’ operational objectives. We further understand that a similar analysis has not been undertaken for any other department of the RMV. We recommend that, at a minimum, the RMV undertake such an analysis for the MRB. Based on interviews and focus groups we conducted, it appears that no clear understanding exists on what is the right level and number of resources needed to achieve the MRB’s operational objectives, which in large part entail data input and processing. Such an analysis is especially important in light of the ATLAS implementation, which has redefined existing work streams. We also recommend that the RMV evaluate whether such analysis would be beneficial to other departments, such as Driver Licensing and Enforcement Services, to ensure an efficient and effective level of staffing.

Furthermore, we understand that the MRB does not currently use (although it did in the past) any pre-defined benchmarks against which to measure the productivity of MRB data-entry personnel. The establishment of such benchmarks (in consultation with relevant stakeholders) is a pre-requisite to understanding the level and number of resources needed to execute applicable work streams.

²⁰³ ATLAS R1 Release Retrospective: Summary of Observations and Recommendations dated June 20, 2018.

2. **Resources lost due to attrition** – Based on discussions with Mr. Bowes and other RMV personnel, we understand that resources lost due to attrition may not always be replaced in a timely manner. We recommend that MassDOT fill such vacancies as they occur and minimize instances of requiring remaining personnel to absorb the workload of departing personnel, absent a vetted and documented change in work volume that may justify a position to remain unfilled. Any short-term savings realized by deferring the filling of open positions can easily be outmatched by the cost of organizational strain that such unfilled positions can cause. We further recommend that the MRB be exempt from any personnel hiring freezes that MassDOT may adopt from time to time, as MRB's budget, by statute,²⁰⁴ is funded by the insurance industry and should be a function of what the department requires to fulfil its mission in an effective and efficient manner.

²⁰⁴ MRB Charter - MA General Law – Part I, Title II, Chapter 6C, Section 57A dated 2015.

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D. Recommendations – RMV Organizational Structure:

Review the RMV's organizational structure and make recommendations as necessary to establish clear lines of responsibility and accountability for responding to state-to-state communications about motor vehicle violations and administering license suspensions and revocations for passenger and commercial vehicle licenses.

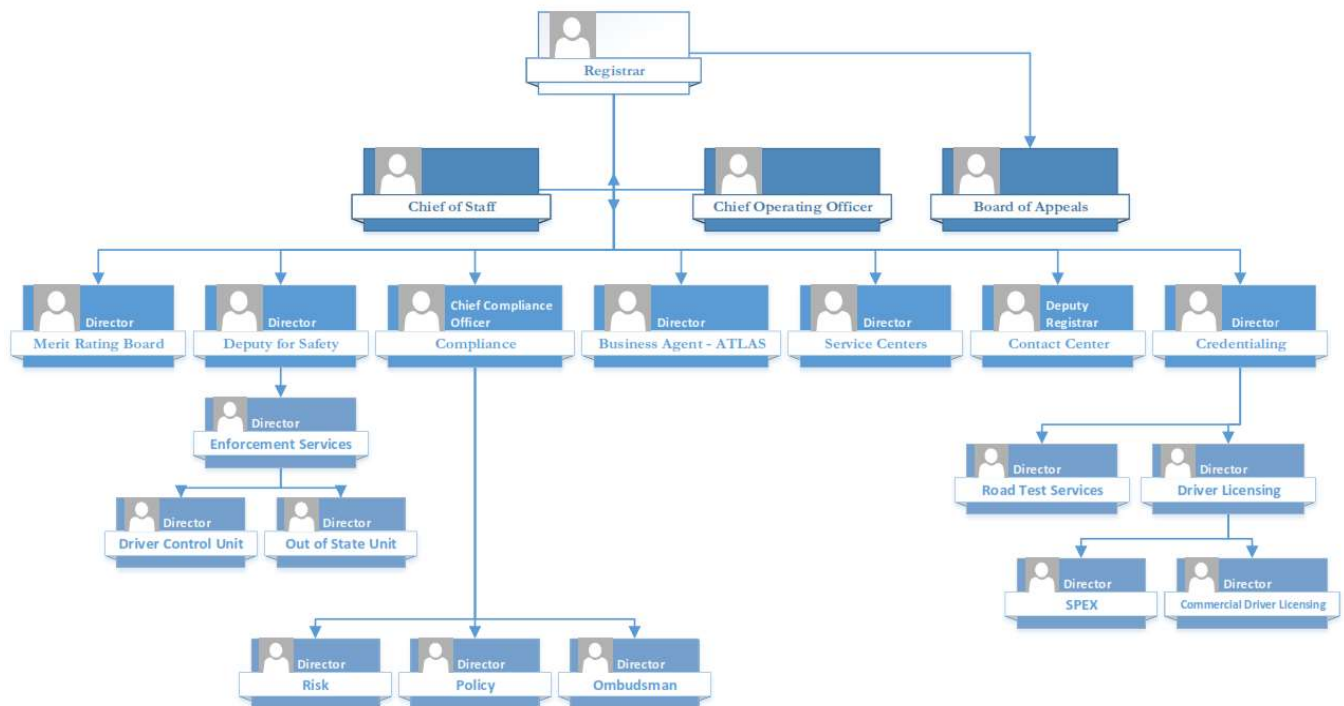
- i. **One Out-of-State Notification Unit** – We recommend that the RMV create one unit, under the Enforcement Division, which would be responsible for all matters related to the processing and adjudication of any out-of-state notifications (from notification receipt to driver record posting), both inbound and outbound, for CDL and Class D licenses. The processing and adjudication of out-of-state notifications is clearly an enforcement matter and should be under the control and supervision of the Enforcement Division.

The SPEX unit, which is within the Road Test and Driver Licensing department of the RMV, currently handles the processing of CDL out-of-state notifications received by the RMV from other jurisdictions, when such notifications are diverted into queues requiring manual intervention instead of posting directly to driver records. SPEX also has licensing responsibilities related to the implementation of the REAL ID initiative and certain CDL matters. We recommend that SPEX no longer handle CDL out-of-state notifications requiring manual intervention; that responsibility is enforcement in nature and should be assigned to the proposed new out-of-state notification unit. The new unit should oversee the integrity of all aspects of CDL electronic notification processing - not just notifications requiring manual intervention.

Similarly, the MRB should not be processing the receipt of paper notifications and instead that responsibility should be assigned to the proposed new out-of-state notification unit, which should be given the necessary scanning technology (or alternative technological solutions) to process such notifications.

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- ii. **Streamlined RMV Organizational Structure** – The current organizational structure of the RMV, as illustrated in **Exhibit C** to this report, includes 11 individuals reporting directly to the Registrar. We recommend that the direct reports to the Registrar be reduced to a more manageable number, which should primarily include employees in charge of major RMV functions. We further recommend that the Chief Operating Officer position, currently held by Mr. Macdonald but who is assigned to lead the Road Test and Driver Licensing department, involves a broader portfolio of responsibilities across the entire RMV organization. The Chief Operating Officer should effectively be the second person in command at the RMV focusing on operational excellence and the oversight of major initiatives. The Registrar should be working closely with the Chief Operating Officer to ensure that operational and strategic objectives are met, as well interfacing with external stakeholders, such as MassDOT and the Massachusetts General Court. A revised organization chart for consideration could be as follows:²⁰⁵



²⁰⁵ Based on discussion with the Acting Registrar, Grant Thornton understands that the “Business Agent – ATLAS” role is temporary and will be phased out subsequent to the full implementation of ATLAS.

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VII. ADDITIONAL AREAS OF RISK IDENTIFIED

The following areas of additional risks have come to our attention:

- **Backlog of Criminal Data Entry Items** – As of September 30, 2019, the MRB has approximately 13,097 work items in a criminal data entry quality control queue in ATLAS (*MRB – QC – Criminal*), as shown in **Exhibit S**, requiring evaluation prior to determining how and whether to post to drivers' records. Untimely processing of these work items may delay the required suspension of affected licenses. Based on a discussion in August 2019 with an MRB employee with knowledge of current processes and resources, effectively addressing these items could take as long as two years. According to the Acting Registrar, the RMV is in the process of addressing these work items and believes that it will instead take several months to complete the backlog. Delays in processing these work items may prevent the timely revocation of certain CDL and Class D licenses.
- **Unprocessed SPEX Work Items** – As of September 30, 2019, the *SPEX Unit Driver Licensing – Support – AAMVA Work Group* in ATLAS had approximately 80,000 work items requiring action primarily in three different queues as shown in **Exhibit T** to this report. Based on discussion with FAST, a queue was created to distinguish withdrawal/conviction work items from potential duplicate work items allowing the SPEX unit to more easily address “*Add Conviction*” items. Untimely processing of these work items can result in a license-issuing state lacking knowledge of information from another jurisdiction that could potentially impact a driver's privileges in Massachusetts.
- **Unprocessed Paper Warnings** – Based on interviews and focus groups with MRB employees, we understand that the MRB has not processed warnings issued by police departments during traffic stops, when such warnings are sent to the MRB in paper format, for approximately ten years. In contrast, traffic warnings that certain police departments transmit to the MRB electronically via the e-Citation system are processed and posted to drivers' records. A police officer may take into account the existence of prior warnings in deciding whether to issue a fine on a subsequent traffic stop. Drivers, therefore, may be treated differently depending on whether their prior warning history was provided to the MRB in paper or electronic form.
- **Ignition Interlock Device Backlog** – An Ignition Interlock Device is a “handheld breath-alcohol monitoring device (approximately the size of a cell phone) that is electronically connected to a vehicle's ignition.”²⁰⁶ Drivers who have been assigned an Ignition Interlock Device are required to use it in order to pass a Breath-Alcohol test before starting their vehicle. There are work items in ATLAS related to Ignition Interlock Device tasks.²⁰⁷ In July 2019, this was described by Mr. Macdonald as a critical work queue for the DCU to address, and he wrote that the DCU would be working overtime in order to complete the remaining backlog.²⁰⁸ As of October 2, 2019, the *Interlock Ignition Device Work Group* in

²⁰⁶ Ignition Interlock Device Program via <https://www.mass.gov/guides/ignition-interlock-device-program> accessed October 2, 2019.

²⁰⁷ ATLAS Operation Summary Report dated October 2, 2019.

²⁰⁸ Email from Alan Macdonald to Ben Goodman, Margaret Gleason, Brian Winkler, Alex Dixon, Lucas Bremseth on July 11, 2019 with subject “ATLAS Work Queue Review” and attachment “ATLAS Work Queue Review.docx.”

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ATLAS had 2,743 work items requiring action, 1,361 of which relate to Ignition Interlock Device violations.²⁰⁹

- **Multiple Driving Records** – On December 4, 2017, Ms. Deveney issued a memorandum to Jamey Tesler, the MassDOT Acting Chief of Staff at the time, and Marie Breen, the MassDOT General Counsel, addressing the implication of certain drivers having multiple driving records as reflected in **Exhibit U** and **Exhibit V** to this report. Multiple records can exist for such reasons as RMV personnel creating a second record for a driver instead of updating an existing record with new information. The memorandum described the suspension implications of merging multiple records when there are violations on each of those multiple records, and which upon merger may require a driver to be suspended. According to FAST, the exact number of multiple records is not currently known, accurately determining that number would require time and assumptions to be made by the RMV, and the RMV has not requested FAST to undertake such a process. Based on Ms. Deveney’s memorandum, however, as of December 2017, prior to the implementation of ATLAS, the number of customers with potentially duplicate records was estimated at 264,860.²¹⁰

Based on discussion with FAST, the merge process is the best solution when identifying duplicates but the decision to merge specific records is often based on judgment and relies on manual identification and resolution of duplicate driving records.

- **ACD Code A98 “Administrative Per Se for BAC at or over .08”²¹¹** – There is an open service ticket request in ATLAS with a RMV request for a report of ACD code A98 violations – breathalyzer test results in excess of the minimum allowed. Based on discussion with FAST, the RMV was considering whether ACD code A98 violations should result in disqualification of CDL licenses. Based on discussion with Mr. Tesler and the MassDOT General Counsel, MassDOT has determined that A98 violations should not result in a CDL disqualification.
- **Additional CDL Suspensions** – Through an ATLAS service ticket request, the RMV requested a report of CDL drivers in ATLAS with two or more OUIs at the time of the issuance of their CDL license.²¹² A CDL driver should be disqualified for life when he/she is convicted of two or more OUIs.²¹³ Based on discussion with FAST, it was identified through this report that, in some cases, ALARS did not appropriately disqualify CDL drivers during the 2006-2015 period. Based on discussion with Steve Evans, Director of Driver Licensing (“Mr. Evans”), this appeared to relate to a law²¹⁴ that became effective in 2006, but that was not considered in ALARS until 2015. Mr. Evans stated that the RMV addressed this issue in September 2019, by working with attorneys to identify CDL drivers who required suspension. As part of this process, 28 CDL drivers were suspended with a lifetime disqualification according to Mr. Evans.

²⁰⁹ ATLAS Operation Summary Report dated October 2, 2019.

²¹⁰ See **Exhibit U** to this report.

²¹¹ ACD AAMVA Code Dictionary Manual Release 5.2 dated 2018 pg. 35.

²¹² ATLAS Operation Summary Report dated October 2, 2019.


²¹³ Disqualification from operating commercial motor vehicles - General Law - Part I, Title XIV, Chapter 90F, Section 9. Note that a CDL driver is disqualified for at least 1 year if convicted of his/her first OUI violation.

²¹⁴ Ibid.

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EXHIBITS

Exhibit A:

	<p><i>The Commonwealth of Massachusetts</i></p> <p><i>Registry of Motor Vehicles</i></p> <p><i>One Copley Place, 4th Floor, Boston 02116</i></p>
<p>Daniel A. Grabauskas Registrar</p>	<div style="text-align: right;"> <p>Mail: P.O. Box 199100 Boston, MA 02119-9100</p> </div>
<p>TO: William E. McVey, Deputy General Counsel</p>	
<p>FROM: Andrew Padellaro, Legal Counsel</p>	
<p>RE: Driver's License Agreement (DLA)</p>	
<p>*****</p>	
<p>The proposed Driver's License Agreement (DLA) is intended to replace the Driver's License Compact (DLC) and the Non-Resident Violator's Compact (NRVC) into one agreement. Massachusetts is currently one of four states not belonging to the DLC.</p>	
<p>Following is a summary of what joining the DLA requires, with an analysis of how we currently perform each provision. Note that even in instances where we currently attempt the function, our current process is often not in compliance.</p>	
<p><u>When a Driver Moves Into Massachusetts</u></p>	
<p>1. Requirement: Massachusetts must collect the license, and return it to the home state with a request for a driving record.</p>	
<p>Current Practice: Licenses are collected and disposed of. No record request is made.</p>	
<p>2. Requirement: Massachusetts must transfer the violation from the previous state to our new Massachusetts record.</p>	
<p>Current Practice: No violations are transferred, making Massachusetts a place to "lose" a bad driving history. Merit Rating has begun a process to add violations for surcharges, but this does not carry over to RMV records.</p>	
<p><u>When a Massachusetts Driver Leaves the State</u></p>	
<p>1. Requirement: Massachusetts must cancel the license.</p>	
<p>Current Practice: Massachusetts does nothing and waits for the license to</p>	

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Exhibit A (continued):

expire. This results in non-Massachusetts drivers getting suspended in correctly for out-of-state suspensions as ALARS believes them to still be Massachusetts license holders.

2. **Requirement:** Massachusetts driving record must be sent to the new state.

Current Practice: Not presently done. Current format of our driving records will have to be changed in order to comply with minimum DLA information specifications.

When an Out-of-State Driver has a Massachusetts Offense

1. **Requirement:** Massachusetts must forward a copy of all moving violations (DLA lists which violations at a minimum must be sent) and any administrative actions taken.

Current Practice: None of this is done. Drivers suspended in Massachusetts will only be suspended in the home state if PDPS picks up on the suspension. Even serious offenses such as Motor Vehicle Homicide are not sent directly to the other states.

When a Massachusetts Driver has an Out-of-State Offense

1. **Requirement:** Add out-of-state offenses by Massachusetts drivers to our record, and apply Massachusetts penalties.

Current Practice: Only OUI and Motor Vehicle Homicide offenses are added, except for New Hampshire who sends all violations via magnetic tape. Many States do not forward violations to non-DLC member.

2. **Requirement:** Uphold other states suspension and revocations.

Current Practice: PDPS is checked only every 5 years upon renewal, or when a new driver applies. Massachusetts drivers largely escape reciprocal action except for long term suspensions or defaults. This measure can be fairly easily complied with by running PDPS checks regularly.

Conclusion: Not being a compact member has and would continue to present great risk to the Registry of Motor Vehicles. Drivers that current Massachusetts law requires to be suspended are not, and Massachusetts inherits many bad drivers and starts them off with clean records. We also

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Exhibit A (continued):

send our bad drivers off without forwarding records to the other states. In addition, it is clear that Massachusetts's reputation suffers on a national AAMVA basis as we are only one of four states not presently in the compact.

Past decisions not to join focused largely on resource issues. Joining would required extra data entry requirements on score of violations, large scale programing issues, changes to out-of-state conversion procedures, and additional hearings on suspensions (which also affects CAB functions). However, states with lesser resources and technology have joined.

On the positive side, no legislation would likely be necessary. M.G.L. c. 90, § 22 9c) and M.G.L. c. 90, § 30B gives wide authority to enter such a compact.

Note: M.G.L. c. 90, § 30B requires the Secretary of Public Safety, not the Registrar, to enter into the compact.

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Exhibit A (continued):



Kimberly Hinden
Registrar

The Commonwealth of Massachusetts
Registry of Motor Vehicles
One Copley Place, Boston 02116

Mail:
P.O. Box 199100
Boston, MA 02119-9100
www.mass.gov/rmv

MEMORANDUM

TO: Driver's License Compact/Driver's License Agreement Workgroup
FROM: Andrew M. Padellaro, Legal Counsel, Registry of Motor Vehicles
RE: Issues Regarding Joining DLC/DLA
DATE: February 19, 2004

.....

As you are aware, Massachusetts is one of a few states not presently a member of the Driver's License Compact (DLA), which may soon be re-formed as the Driver's License Agreement (DLA). Following is a list of some of the issues that joining either would present to the Registry, however, this is NOT a comprehensive list of all that joining would entail. Rather, it is a starting point to identify some of the major work-flow, manpower, and technological issues that joining will present.

Basically, there are four areas of customer transactions that are affected:

MASS. DRIVERS MOVING TO ANOTHER STATE

What is required:

1. A copy of the driver's history must be forwarded to the new state issuing the license.
2. The Massachusetts License must be cancelled.

OUT OF STATE DRIVERS CONVERTING TO MASS.

What is required:

1. Obtaining a Driving Record from the prior state
2. Adding any offenses from the prior record to the Mass. Record
3. Sending the license back to the prior state for cancellation

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Exhibit A (continued):

MASS. DRIVER WITH OUT OF STATE OFFENSES

What is required:

1. Any violation reported to Mass. must be entered. Presently, many states do not report as we are not a DLC member, and of those we do get, only NH offenses are entered across the board. Presently only major offenses such as OUI are entered when reported to us from other states.

VISITING DRIVERS COMMITTING OFFENSES

What is required:

1. All offenses by out of state drivers must be reported. Presently, we report no offenses to other states except for New Hampshire.

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Exhibit B:



National Association of Government Employees

AFFILIATED WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION

September 9, 2019

Jimmy Pappas
Partner, Grant Thornton, LLP
Forensic Advisory Services
75 State Street 13th Floor
Boston MA 02109
Jimmy.pappas@us.gt.com

Dear Mr. Pappas:

I am writing on behalf of the National Association of Government Employees, which is the exclusive representative of employees of the Registry of Motor Vehicle other than managers. We have reviewed the findings contained in your preliminary report of August 16, 2019 and have had numerous discussions with our members concerning said findings.

In our view, the most striking thing about the report is the manner in which it scrutinizes the activities of several lower level employees while virtually ignoring the root causes of this tragedy. Buried in the fifth to the last paragraph of the executive summary is this telling sentence:

Based on our work to date, those notifications appear to have stopped being processed by the RMV in a systematic manner around 2014.

The statement cries out for follow-up questions. Who made the decision to stop processing these critical pieces of information? Who was the decision communicated to? Did officials in the Secretariat know? Did the Governor and/or his staff know? What was the reason for the decision to stop processing these notifications? Was it due to lack of staffing? If it was because of lack of staffing, were there any restrictions placed on the RMV by the Secretariat or the Governor's office that prevented them from hiring the necessary staff? Has the Baker administration imposed so-called FTE caps that prevented the RMV from having the needed staff? If hiring additional staff was deemed an essential part of the solution after the tragedy, why wasn't it before the tragedy?

The bargaining unit employees singled out by name in the preliminary report have been repeatedly questioned in detail about their actions and knowledge of events. Why has the same level of scrutiny not been applied to officials in the Secretariat and Governor's office who knew or should have known of this threat to public safety?

159 Burghl Parkway | Quincy, MA 02169 | phone 617.376.0220 | fax 617.376.0285 | www.nage.org

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Exhibit B (continued):

The Preliminary report failed by not asking these questions. We expect that the final report will provide answers to these critical questions and not continue to focus on the actions of lower level employees who were clearly working in an environment where management had decided and communicated that processing these notifications was not a priority.

We look forward to reviewing your final report.

Sincerely,



David J. Holway
National President

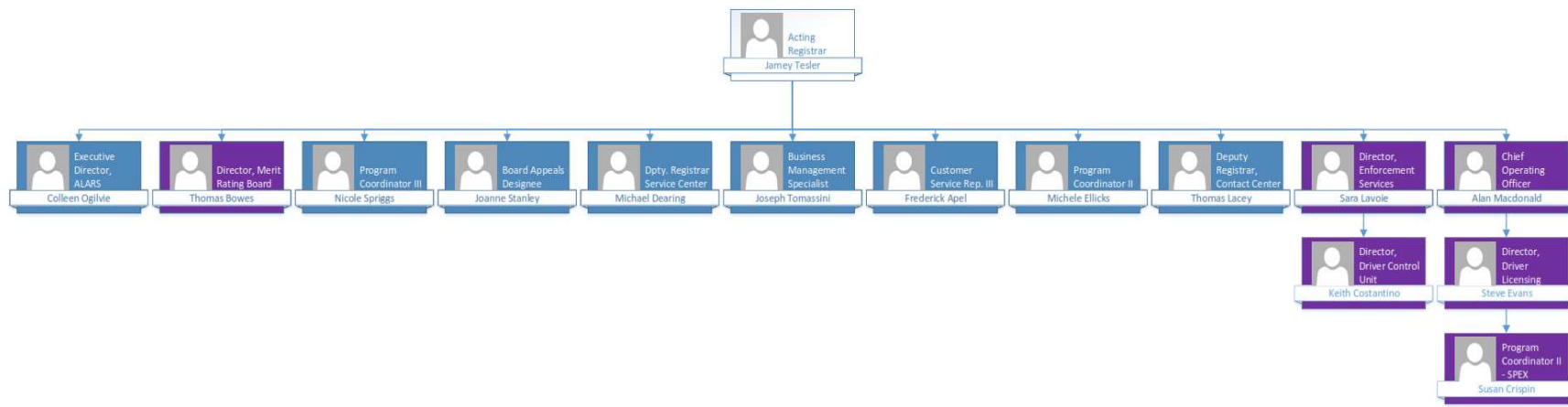
CC: Jamey Tesler, Acting Registrar of Motor Vehicles
Stephanie Pollack, Secretary and CEO Massachusetts Department of Transportation

159 Burgin Parkway | Quincy, MA 02169 | phone 617.376.0220 | fax 617.376.0205 | www.nsge.org

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Summary RMV Organization Chart



²¹⁵ Note: Illustrated in this exhibit are direct reports to Jamey Tesler, Acting Registrar. The Driver Control Unit and SPEX unit are shown given their pertinence to this matter.

²¹⁶ Effective August 20, 2019, Thomas Bowes no longer serves as Director of the Merit Rating Board. His name remains in this image for illustrative purposes.

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Exhibit D:

ATLAS
mmoronha
Log Off

Search Work Item
 Work Item Search
 Add Search My Work Items My Subscriptions Unassigned 500 Rows

Owner is any
 Subscriber is any

Category AAMVA
 Type
 Stage
 Account Type

External Id
 Due By
 Expires By
 Created From 22-May-2019 To 29-May-2019
 Completed From To

Sequence: 576/5223
 Date: 29-May-2019 11:05:30
 User: mmoronha
[Show Advanced Details](#)
 Execution Duration: 1017 ms

Work Items
 Hide History Filter

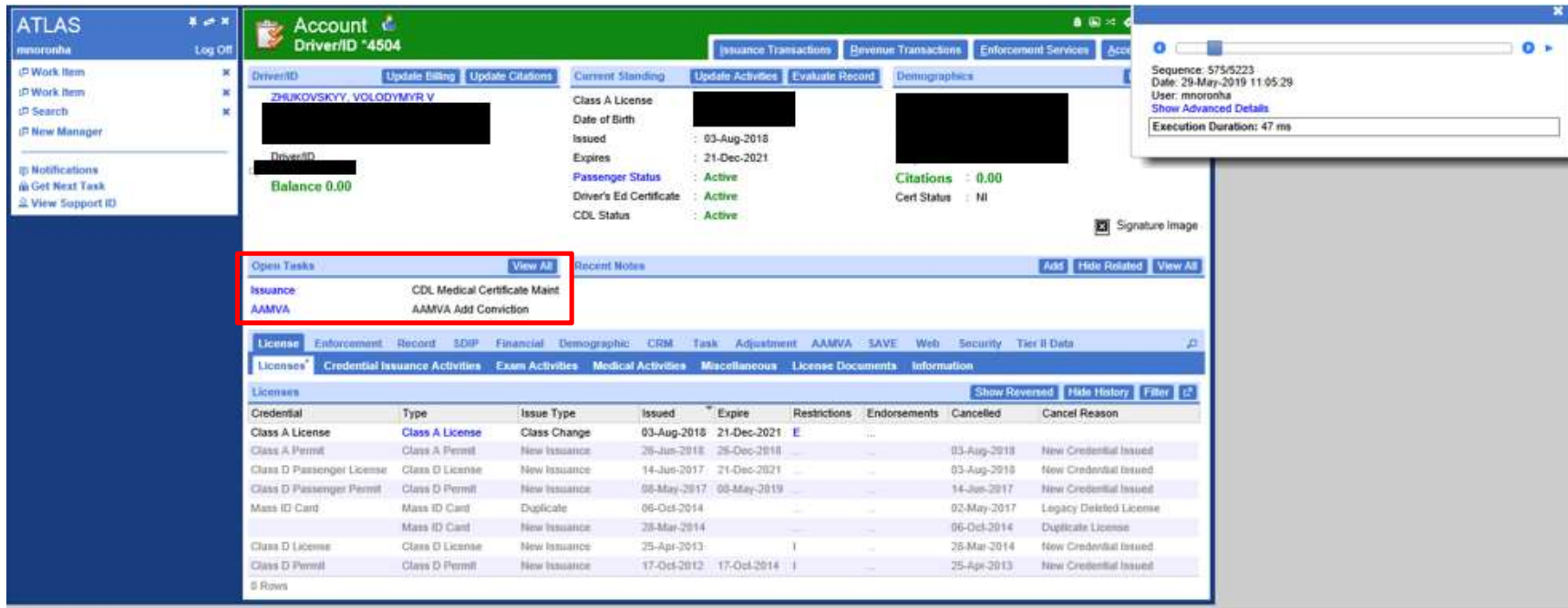
Standard Owner Dups 60 day
 1 of 5 All 1 - 100 of 491

Due Date	Work Item	Category	Type	Stage	Created	Expired	Owner	Association	Who
26-May-2019	0-792-372-480	AAMVA	AAMVA Check Nee		22-May-2019	27-May-2019	tpizzi		tpizzi
02-Jun-2019	1-943-495-936	AAMVA	Add Convictn		29-May-2019			ZHUKOVSKYY, VOLODYMYR V	svwebse
01-Jun-2019	0-592-459-816	AAMVA	Add Convictn		28-May-2019				svwebse
27-May-2019	0-445-637-888	AAMVA	Add Convictn		23-May-2019				svwebse
29-May-2019	1-213-392-128	AAMVA	CDLIS Chg FI		25-May-2019				svwebse
29-May-2019	0-352-806-144	AAMVA	CDLIS Chg FI		25-May-2019				svwebse
01-Jun-2019	1-265-086-464	AAMVA	CSOR Fail		26-May-2019				svwebse
29-May-2019	2-001-462-528	AAMVA	CSOR Fail		25-May-2019				svwebse
28-May-2019	0-126-876-976	AAMVA	CSOR Fail		24-May-2019				svwebse
26-May-2019	1-876-206-848	AAMVA	CSOR Fail		22-May-2019				svwebse
29-May-2019	0-558-810-368	AAMVA	CSOR Fail		25-May-2019				svwebse
29-May-2019	1-535-829-248	AAMVA	CSOR Fail		25-May-2019				svwebse
26-May-2019	1-761-407-232	AAMVA	CSOR Fail		22-May-2019	01-Jun-2019	mmoronha		mmoronha
02-Jun-2019	1-053-612-288	AAMVA	Invalid CSOR		29-May-2019				svwebse
02-Jun-2019	0-951-129-344	AAMVA	Invalid CSOR		29-May-2019				svwebse
28-May-2019	0-733-348-928	AAMVA	Invalid CSOR		24-May-2019				svwebse
29-May-2019	1-441-724-672	AAMVA	Invalid CSOR		25-May-2019				svwebse
29-May-2019	0-644-269-312	AAMVA	Invalid CSOR		25-May-2019				svwebse
29-May-2019	0-904-853-760	AAMVA	Invalid CSOR		25-May-2019				svwebse
29-May-2019	0-642-948-304	AAMVA	Invalid CSOR		25-May-2019				svwebse
28-May-2019	0-741-016-832	AAMVA	Invalid CSOR		24-May-2019				svwebse
29-May-2019	0-479-249-664	AAMVA	Invalid CSOR		25-May-2019				svwebse
28-May-2019	1-496-311-040	AAMVA	Invalid CSOR		24-May-2019				svwebse
02-Jun-2019	2-065-753-344	AAMVA	Invalid CSOR		29-May-2019				svwebse
02-Jun-2019	0-665-628-928	AAMVA	Invalid CSOR		29-May-2019				svwebse
27-May-2019	1-991-402-752	AAMVA	Mrk Unq Fail		23-May-2019				svwebse
28-May-2019	0-276-161-792	AAMVA	Mrk Unq Fail		24-May-2019				svwebse
27-May-2019	0-867-263-744	AAMVA	Mrk Unq Fail		23-May-2019				svwebse
27-May-2019	1-898-160-832	AAMVA	Mrk Unq Fail		23-May-2019				svwebse
27-May-2019	0-876-732-544	AAMVA	Mrk Unq Fail		23-May-2019				svwebse
27-May-2019	2-137-466-112	AAMVA	Mrk Unq Fail		23-May-2019				svwebse

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Exhibit D (continued):



ATLAS
mmoronha Log Off

Account
Driver/ID *4504

Driver/ID: [REDACTED]
Balance 0.00

Open Tasks [View All](#)

Task	Description
Issuance	CDL Medical Certificate Maint
AAMVA	AAMVA Add Conviction

Licenses

Credential	Type	Issue Type	Issued	Expire	Restrictions	Endorsements	Cancelled	Cancel Reason
Class A License	Class A License	Class Change	03-Aug-2018	21-Dec-2021	E	...		
Class A Permit	Class A Permit	New Issuance	26-Jun-2018	26-Dec-2018			03-Aug-2018	New Credential Issued
Class D Passenger License	Class D License	New Issuance	14-Jun-2017	21-Dec-2021			03-Aug-2018	New Credential Issued
Class D Passenger Permit	Class D Permit	New Issuance	08-May-2017	08-May-2019			14-Jun-2017	New Credential Issued
Mass ID Card	Mass ID Card	Duplicate	06-Oct-2014				02-May-2017	Legacy Deleted License
	Mass ID Card	New Issuance	28-Mar-2014				06-Oct-2014	Duplicate License
Class D License	Class D License	New Issuance	25-Apr-2013		I		26-Mar-2014	New Credential Issued
Class D Permit	Class D Permit	New Issuance	17-Oct-2012	17-Oct-2014	I		25-Apr-2013	New Credential Issued

8 Rows

Sequence: 575/5223
Date: 29-May-2019 11:05:29
User: mmoronha
[Show Advanced Details](#)
Execution Duration: 47 ms

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Exhibit E:

Kaderis, Geordan (ATLAS)

From: Kaderis, Geordan (ATLAS)
Sent: Tuesday, March 19, 2019 4:34 PM
To: Crispin, Susan (DOT); Hoban, Jennifer (DOT)
Cc: McCollem, Steve (DOT); Winkler, Brian (ATLAS)
Subject: RE: AAMVA Interventions & Work Items

SQR 7144 and 7145 created for these. Once 7145 is finished we will re-queue the interventions.

Thank you!

Best,
Geordan Kaderis

From: Crispin, Susan (DOT)
Sent: Tuesday, March 19, 2019 12:24 PM
To: Kaderis, Geordan (ATLAS) <[REDACTED]>; Hoban, Jennifer (DOT)
<[REDACTED]>
Cc: McCollem, Steve (DOT) <[REDACTED]>; Winkler, Brian (ATLAS)
<[REDACTED]>
Subject: RE: AAMVA Interventions & Work Items

I am ok with it with just a little change to the wording on number 3. It is OOS violations being *created* when a State sends only a withdrawal.

Susan Crispin
Program Coordinator
Motor Carrier Safety Improvement Act
SPEXS/CDLIS Helpdesk
MASSDOT/RMV
Driver Licensing
[REDACTED]



From: Kaderis, Geordan (ATLAS)
Sent: Tuesday, March 19, 2019 10:03 AM
To: Crispin, Susan (DOT); Hoban, Jennifer (DOT)
Cc: McCollem, Steve (DOT); Winkler, Brian (ATLAS)
Subject: RE: AAMVA Interventions & Work Items

Sue, it sounds like we are on the same page with the second issue!

I am still looking into the OOS violations being sent with just a withdrawal. I completely understand that this is an issue and needs to be rectified. At the moment, I am unsure if this is being done by a core process or if this can be fixed on site. I would like to work that as a separate SQR. Again, I understand the urgency of getting the issue cleared up so we are in compliance with AAMVA.

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Exhibit E (continued):

The issue that this e-mail originally stemmed from was a result of messages that we were not able to successfully processed. The messages need to be reprocessed, so I would like to do that after I have updated our criteria for making duplicate violation and conviction work items.

So, if I can get your signoff I would do the following:

1. Update the criteria we are using to create duplicate violations and convictions.
2. Reprocess the messages causing these errors.
3. Work on fix for OOS violations being sent with just a withdrawal.

If you have any questions please let me know.

Best,
Geordan Kaderis

From: Crispin, Susan (DOT)
Sent: Tuesday, March 19, 2019 9:07 AM
To: Kaderis, Geordan (ATLAS) <[REDACTED]>; Hoban, Jennifer (DOT) <[REDACTED]>
Cc: McCollem, Steve (DOT) <[REDACTED]>; Winkler, Brian (ATLAS) <[REDACTED]>
Subject: RE: AAMVA Interventions & Work Items

I just want to make sure that I understand the first issue. The issue with us creating an OOS violation when a Jurisdiction sends us just a withdrawal is something that we are not allowed to do per AAMVA rules. We have already been called out by one State on this practice. So it wasn't so much the work items that were the issue, it was the practice of creating OOS violations that the other State never sent us that was generating them in the first place.

As far as the second issue, Atlas should really be looking at the locator reference as well as an individual can get multiple violations on the same day in the same State in different locations. The different underlying conviction would also lead me to believe that they are not, in fact, duplicates.

Susan Crispin
Program Coordinator
Motor Carrier Safety Improvement Act
SPEXS/CDLIS Helpdesk
MASSDOT/RMV
Driver Licensing
[REDACTED]



From: Kaderis, Geordan (ATLAS)
Sent: Friday, March 15, 2019 11:44 AM
To: Crispin, Susan (DOT); Hoban, Jennifer (DOT)
Cc: McCollem, Steve (DOT); Winkler, Brian (ATLAS)
Subject: RE: AAMVA Interventions & Work Items

Sue and Jen,

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Exhibit E (continued):

We decided to split these into different SQRs and I wanted to give an update and ask for some more clarification. If you have any questions please let me know.

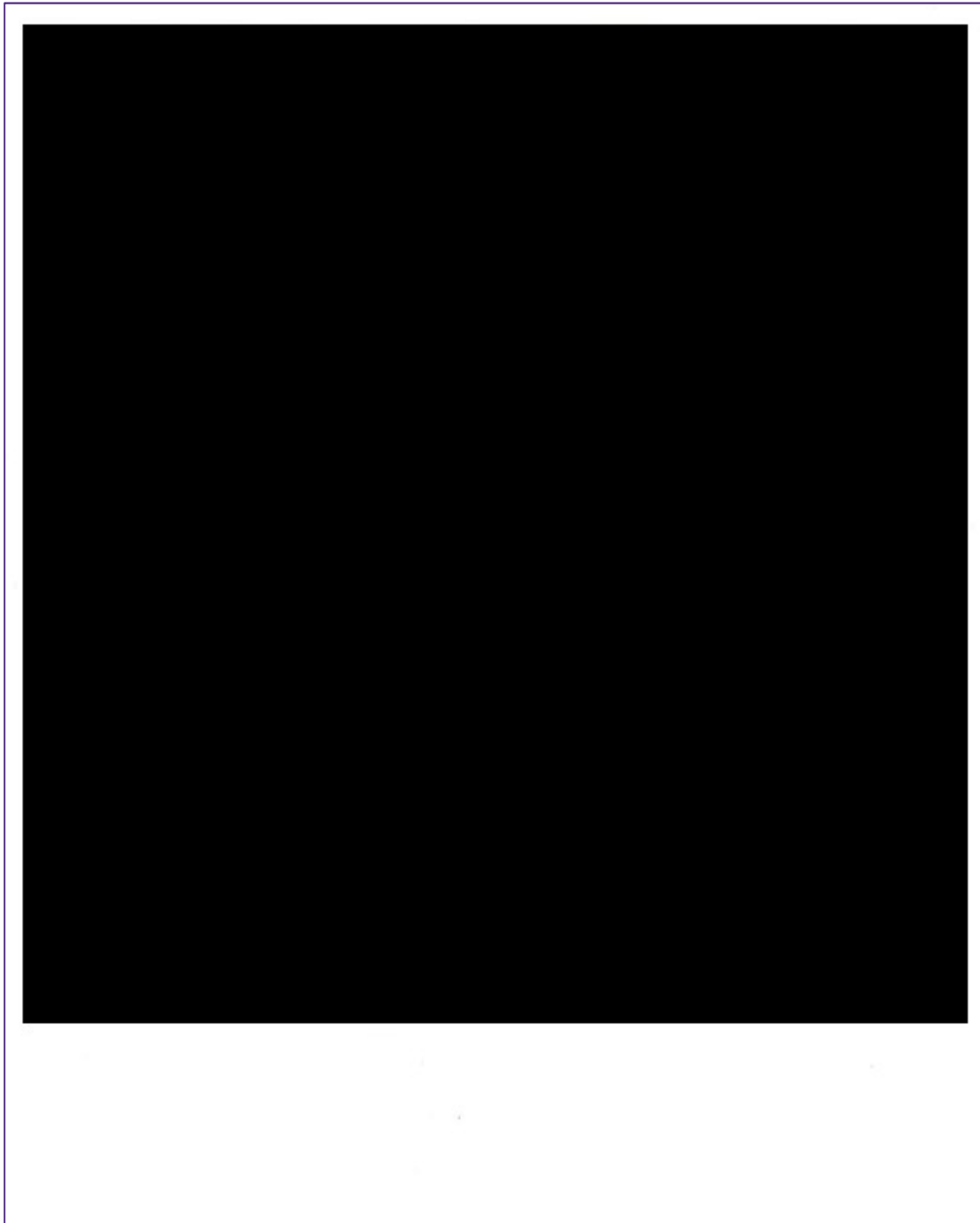
1. The issue with creating findings with the FAST.VAMV will be worked as a separate item. In the meantime, when we re-queue these interventions we will systematically cease the AAMVA Add work items and reverse any convictions that are marked as duplicates.
2. The possible duplicate violations we are seeing are being caused by violations that have the same offense date, source state, and violation code. They do differ on the underlying violation though, so I am under the impression that the form should still post without creating a work item. I wanted to verify that this is correct, I will include screenshots for example.

Original Conviction:

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Exhibit E (continued):²¹⁷

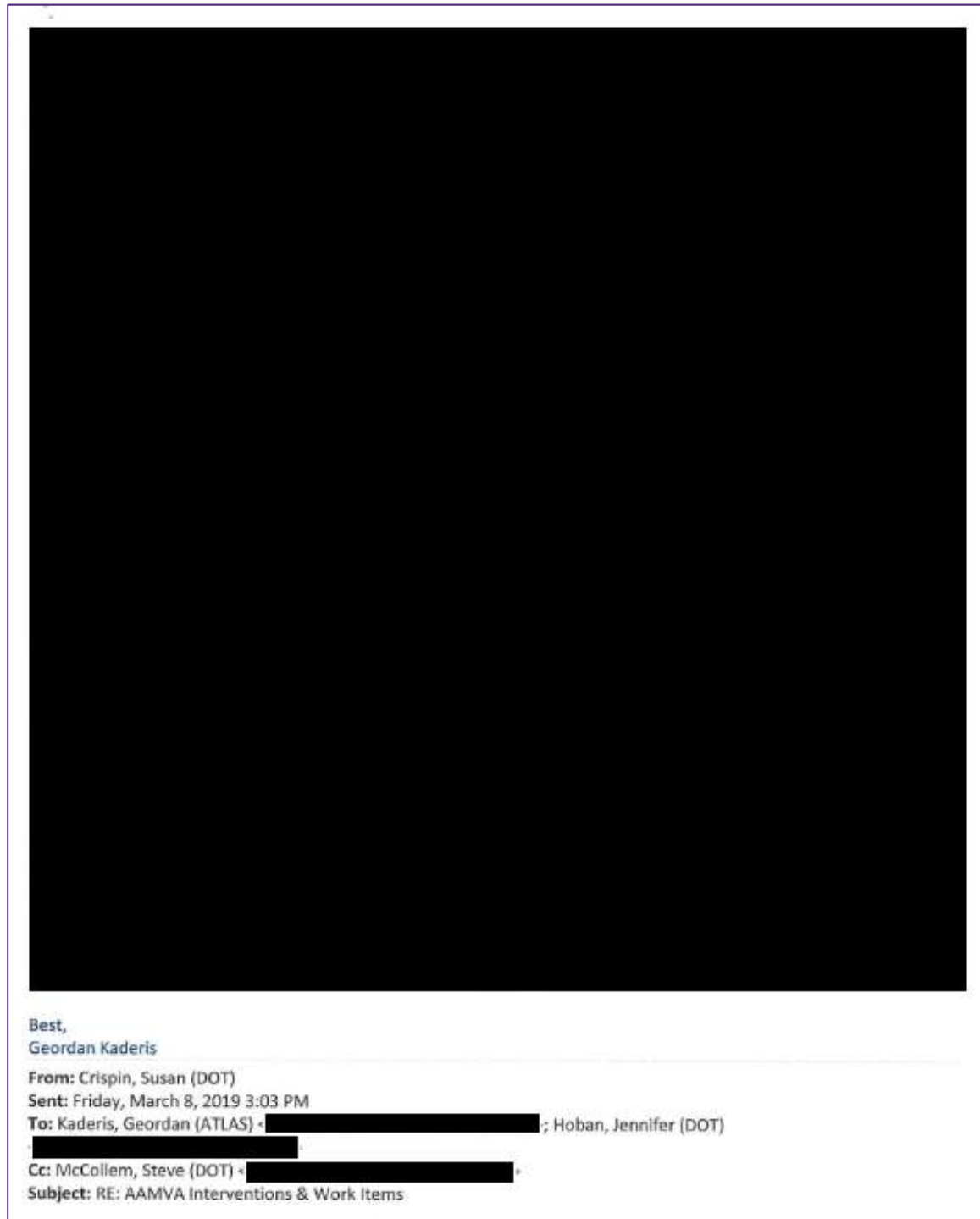


²¹⁷ This redaction is a screenshot of a driver record.

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Exhibit E (continued): ²¹⁸



²¹⁸ This redaction is a screenshot of a driver record.

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Exhibit E (continued):

For the AAMVA add conviction ones, those should all be closed. These are all fictitious convictions that Atlas is creating when another State sends a withdrawal with no underlying conviction. In some cases, an underlying conviction is not required. If one is required, we should be rejecting the withdrawal entirely. We have already been called out by Oregon on this practice as they noticed that Atlas created an Oregon conviction that they never sent us.

The Invalid conviction form ones are the same issue. They should not even exist. We should not be accepting the incoming information if it is not in the proper format. No department has time to call the other States for the information. We have a similar issue with the possible duplicate violation ones. If Alars was smart enough to reject an OOS conviction because it is a duplicate of one that we already have then we should not be accepting it at all. I have also experienced issues with these where I choose to reverse it and it reverses the original one as well.

Susan Crispin
Program Coordinator
Motor Carrier Safety Improvement Act
SPEXS/CDLIS Helpdesk
MASSDOT/RMV
Driver Licensing
[REDACTED]



From: Kaderis, Geordan (ATLAS)
Sent: Friday, March 8, 2019 1:29 PM
To: Crispin, Susan (DOT); Hoban, Jennifer (DOT)
Cc: McCollem, Steve (DOT)
Subject: AAMVA Interventions & Work Items

Sue and Jen,

We recently pushed up a change that cleans up 527 interventions from our queue, but when the interventions are re-queued we are creating work items with them. If we re-queue these now, we are looking at creating 890 work items, but the messages will successfully process. I will include a breakdown of what we are potentially looking at:

AAMVA Add Conviction: 123 Items
Possible Duplicate: 20 Items
Possible Duplicate Violation: 246 Items
Invalid Conviction Form: 501 Items

The Invalid Conviction Forms will not have to be worked and will be fixed by SQR 6787 (they are Massachusetts convictions that we are incorrectly receiving). Realistically we are looking at 389 items, but I am not sure how they are supposed to be handled process wise. With that said, could you shed some insight on the following:

1. Should the remaining work items be manually worked, or should we handle them systematically?
 - a. AAMVA Add Conviction: 123 Items
 - b. Possible Duplicate: 20 Items

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Exhibit E (continued):

- c. Possible Duplicate Violation: 246 Items
2. How do we normally handle these work items process wise?
3. Do you have any objections to re-queuing these interventions and creating the work items?

I realize that this is a lot of work items, but we have been sitting on these errors for some time. My thought process is that we process the messages to lower our intervention count and either work the items or create a way to systematically take care of them. I wanted to get your input and keep you in the loop of what is going on. If you would like to discuss this further or if you have any questions let me know!

Best,
Geordan Kaderis

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Exhibit F:

Project on a Page (POP) - a *Notes: 1) Small triangles in the corner of a cell - indicates that a comment has been provided to help with completing the field.
2) This is an embedded Excel worksheet. Double clicking the form will open up Excel. You can also open and complete the embedded Excel file (double click the Excel icon)*

Project name:

EPM number & name of submitting PF: Name of project initiator/creator:

PF Processes Impacted/Needed:
(number & name: e.g. 6.5 Auto Dealers)

Importance of this for achieving other critical goals: Description:

A BUSINESS SOLUTION AND TECHNICAL REASSIGNMENT OF MOTOR VEHICLE CITATION DATA ENTRY TO MRB.

Project Sponsor:

Presentation Date:

Estimated Duration:

Estimated Project Start:

Estimated GO-LIVE DATE:

Description	Business Outcome (End Results)	Business Value of Outcome	Project Type																													
<p>The Driver Control Unit (DCU) is responsible for the maintenance and administration of suspension actions received from multiple stakeholders intrastate and nationwide. The RMV currently receives motor vehicle infraction data from our state partners (49 States) in a paper non-electronic format (mail-in). While antiquated, the transmission process has placed the RMV in a precarious position in that a three year backlog of out-of-state mv citations sit unprocessed. This backlog of citation data entry represents thousands (+> 10, 000) of outstanding license suspension actions and significant lost revenues. More importantly, the failure to process out of state citations and to take the proper suspension action(s) seriously jeopardizes public safety and public trust in our ability to remove dangerous drivers from the Commonwealth's roads. Massachusetts General Laws, Chapter 90 § 27, directs the RMV to maintain accurate motor vehicle records inclusive of all motor vehicle infractions. It is desirable and necessary that the RMV establish a new process for recording out-of-state mv citation violations and the MRB is the natural fit for such a task.</p>	<p>With the migration of out-of-state mv citation processing to MRB, both DCU and the RMV seriously benefit from the accurate reporting, timeliness and posting of mv citation information. The ability of MRB to process and electronically capture image data (On-Base) provides an immediate and tangible data integrity and retrieval benefit. The functionality that comes with a unit already trained and equipped to process citation data (regardless of source / in-state vs. out-of-state) provides the necessary framework and best utilization of RMV resources (no impact bargaining). DCU will significantly improve the transmission and receipt of important public safety license suspension data from state partners nationwide. This implementation will leverage existing technologies to ensure the accurate reporting and release of suspension actions directly from our state partners while saving valuable RMV resources.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr style="background-color: #f2f2f2;"> <th>Metric</th> <th>Current Status</th> <th>Target Status</th> </tr> </thead> <tbody> <tr><td>Through-put</td><td></td><td></td></tr> <tr><td>Customer Sat.</td><td></td><td></td></tr> <tr><td>First Pass Yield</td><td></td><td></td></tr> <tr><td>Cycle Time</td><td></td><td></td></tr> <tr><td>Cost</td><td></td><td></td></tr> </tbody> </table>	Metric	Current Status	Target Status	Through-put			Customer Sat.			First Pass Yield			Cycle Time			Cost			<p>The transition of mv citation data entry to MRB provides the greatest use of finite RMV resources. This migration will enable the RMV and Driver Control Unit (DCU) to realize an immediate improvement in the receipt of cortical and time-sensitive license suspension data. The application of specific mv citation data to an operator's driving record will promote greater accuracy and success in the violation posting process. Further, with access to an established and secure electronic image database, retrieval of important mv citation data is easily accomplished. Finally, the functionality that is only afforded through this migration will promote greater institutional and department efficiencies, making available valuable data linked inextricably to public safety. The avoidance of additional capital to properly fund this project transition should provide the necessary confidence to move forward.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr style="background-color: #f2f2f2;"> <th colspan="4">Type of Financial Value</th> </tr> </thead> <tbody> <tr> <td>Generate Revenue or Expand Service</td> <td>Reduce Cost</td> <td>Protect Revenue or Service</td> <td>Avoid Cost</td> </tr> </tbody> </table>	Type of Financial Value				Generate Revenue or Expand Service	Reduce Cost	Protect Revenue or Service	Avoid Cost	<div style="border: 1px solid black; padding: 5px;"> <input checked="" type="checkbox"/> Run <input checked="" type="checkbox"/> Improve <input checked="" type="checkbox"/> Grow <input checked="" type="checkbox"/> Transform </div> <p>Is this a legislative mandate? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <div style="border: 1px solid black; padding: 5px; background-color: #f2f2f2;"> <p>Rough Investment</p> <p>(Technical/Implementation/Training/Communications)</p> <p>Rough Return on Investment (ROI)</p> <table style="width: 100%;"> <tr> <td style="width: 33%;">Investment Multiplier</td> <td style="width: 33%;">Net Investment Return</td> <td style="width: 33%;">#VALUE!</td> </tr> </table> <p>Does it need to start ASAP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe any major intersections with Functional areas that will need to be considered</p> <p>The ability to migrate mv citation data in an efficient and fiscally prudent manner is critical to maintaining public safety and meeting our statutory obligations.</p> </div>	Investment Multiplier	Net Investment Return	#VALUE!
Metric	Current Status	Target Status																														
Through-put																																
Customer Sat.																																
First Pass Yield																																
Cycle Time																																
Cost																																
Type of Financial Value																																
Generate Revenue or Expand Service	Reduce Cost	Protect Revenue or Service	Avoid Cost																													
Investment Multiplier	Net Investment Return	#VALUE!																														

Processes from other PF's (EPM number & name) that will benefit (significantly) from this effort:

Processes from other PF's (EPM number & name) that will require significant interaction:

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Exhibit G:

9/20/16

Project: OUT OF STATE CITATION DATA ENTRY MIGRATION FROM DCU TO MRB

Purpose: A BUSINESS SOLUTION AND TECHNICAL REASSIGNMENT OF MOTOR VEHICLE CITATION DATA ENTRY TO MRB.

Description:

The Driver Control Unit (DCU) is responsible for the maintenance and administration of suspension actions received from multiple stakeholders intrastate and nationwide. The RMV currently receives motor vehicle infraction data from our state partners (49 States) in a paper non-electronic format (mail-in). While antiquated, the transmission process has placed the RMV in a precarious position in that a three year backlog of out-of-state mv citations sit unprocessed. This backlog of citation data entry represents thousands (+> 100, 000) of outstanding license suspension actions and significant lost revenues. More importantly, the failure to process out of state citations and to take the proper suspension action(s) seriously jeopardizes public safety and public trust in our ability to remove dangerous drivers from the Commonwealth's roads. Massachusetts General Laws, Chapter 90 § 27, directs the RMV to maintain accurate motor vehicle records inclusive of all motor vehicle infractions. It is desirable and necessary that the RMV establish a new process for recording out-of-state mv citation violations and the MRB is the natural fit for such a task.

Business Outcome:

With the migration of out-of-state mv citation processing to MRB, both DCU and the RMV seriously benefit from the accurate reporting, timeliness and posting of mv citation information. The ability of MRB to process and electronically capture image data (File-Net) provides an immediate and tangible data integrity and retrieval benefit. The functionality that comes with a unit already trained and equipped to process citation data (regardless of source / in-state vs. out-of-state) provides the necessary framework and best utilization of RMV resources (no impact bargaining). DCU will significantly improve the transmission and receipt of important public safety license suspension data from state partners nationwide. This implementation will leverage existing technologies to ensure the accurate reporting and release of suspension actions directly from our state partners while saving valuable RMV resources.

Business Value:

The transition of mv citation data entry to MRB provides the greatest use of finite RMV resources. This migration will enable the RMV, Driver Control Unit (DCU) and MRB to realize an immediate improvement in the receipt of critical and time-sensitive license suspension data. The application of specific mv citation data to an operator's driving record will promote greater accuracy and success in the violation posting process. Further, with access to an established and secure electronic image database, retrieval of important mv citation data is easily accomplished. Finally, the functionality that is only

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Exhibit G (continued):

afforded through this migration will promote greater institutional and department efficiencies, making available valuable data linked inextricably to public safety. The avoidance of additional capital to properly fund this project transition should provide the necessary confidence to move forward quickly.

Approach:

Agile Methodology : 3 Sprints

Sprint # 1 : Internal testing of the data entry pathways to mitigate risks of improper application of infraction data to an operator's driving record. Further testing of the adjudication cycles to mitigate improper creation of erroneous notices of suspension or revocation.

Status Update - Tasks:

- UAT complete on the SOC / data entry screen.
- Data entry user identification exists via the SOC screen and batch transaction code (ALARS). Quality control and audit capabilities available with user identification.
- Data entry clerks unable to post citation data to driving record if information already exists on record (No Data-Entry Duplication).
- Data entry clerks able to correct errors (fat-fingered data) via the delete and reverse functions available on the SOC screen.
- Instructions for data entry on the SOC screen prepared with ALARS screen shots and text box highlighting.
- The mapping of the mv infractions to the driving record complete.
- *The adjudication rules for issuing notice of suspension still being discussed.*
- *The business rules for SDIP surcharge calculations still being discussed.*
- The availability of funds to cover the costs of necessary scanning templates located, with the RMV/MRB sharing the costs of the template upgrades.
- On-Base data repository available for imaged out-of-state citation data. The ability to retrieve out-of-state citation data driven by system generated 14 digit batch code (ALARS).

Sprint # 2 : Launch DCU/MRB Data Migration Pilot. The pilot will incorporate transitioning the out-of-state citation data from our New England states (VT/ME/RI/CT/NH) to the MRB. The MRB will identify and enter pertinent information that is critical to accurate infraction reporting and adjudication. The MRB will capture electronically (scan) the reporting data and allow retrieval only for limited pre-defined purposes by authorized users. The DCU/MRB will jointly develop data analytics to monitor project and pilot success.

Sprint # 3 : Launch the remaining transition of out-of-state citation data from all jurisdictions. The DCU/MRB will work collaboratively to responsibly mitigate back-log while achieving success on the transition and posting of all foreign citation data. Properly scope and estimate human resources needed to complete project objectives.

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Exhibit G (continued):

Prepare and deliver final report on raw data captured with associated metrics to highlight project success.

Training:

Minimal efforts to train MRB staff as screen familiarity is already present in the data entry operation. A small effort to establish a scanning destination that is shared and readily accessible in the event a data retrieval request is made. Communicating the delivery of physical data (envelopes / mail crates) from the Haymarket DCU mail facility to the Quincy HQ mail facility.

Future State:

Leveraging the COTS solution to more effectively communicate with our fellow state departments of motor vehicles. Approaching the S2S electronic transmission conversation with a best practices approach to citation governance.

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Exhibit H:

Costantino, Keith (DOT)

From: Costantino, Keith (DOT)
Sent: Wednesday, October 5, 2016 5:29 PM
To: Deveney, Erin (DOT)
Subject: Draft Memo
Attachments: MRB_CitationMigration_Memo_10_5_16.docx

Hi Erin,

Per our discussion on Monday, October 3rd, 2016, at the Quincy RMV, please see attached draft memorandum.

If the information or format needs to be redrafted, please let me know and I will work quickly to get you another copy for review.

Thanks,

Keith

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Exhibit H (continued):

10/5/16

MEMORANDUM

TO: Office of the Governor – Legal Department / MassDot Legal Department
FROM: Erin Deveney – Registrar of Motor Vehicles
Tom Bowes – Merit Rating Board – State Director
Keith Costantino – Driver Control Unit – State Director
DATE: October 7, 2016
RE: Out-of-State Motor Vehicle Citation Surcharge Points

In an effort to maintain public safety nationwide, the Massachusetts RMV and fellow motor vehicle agencies participate in an information sharing network that relays certain motor vehicle citation data. While there are some jurisdictions that relay motor vehicle citation data electronically, Massachusetts receives a large volume of this data via a paper-based reporting system. As such, the Massachusetts RMV is responsible for posting in-state and out-of-state motor vehicle citation data to an operator's driving record. For the purposes of this memorandum, the RMV will be addressing the out-of-state motor vehicle citation data entry component only.

As the result of new developments, the unit designated specifically to accomplish this task of entering and posting out-of-state citation data to a driving record will be the Merit Rating Board. The RMV's Driver Control Unit has identified a backlog of paper-based out-of-state citations that have yet to be entered on the driving records of Massachusetts operators. These citations point to Massachusetts operators who have been cited and found either responsible or guilty of committing certain motor vehicle traffic violations in fellow jurisdictions. In an effort to responsibly and equitably resolve this data entry backlog of out-of-state citation data, the RMV has partnered with the Merit Rating Board to mitigate this current data entry impediment. The RMV has further consulted with the Division of Insurance to explore the impact of attaching surchargeable points to an operator's insurance policy with the addition of out-of-state motor vehicle citations.

The RMV has identified a pathway towards resolution and recommends a specific protocol to reach its objective of speedy data entry of out-of-state citations. First, the RMV has undertaken the steps necessary to identify and properly scope the programmatic changes that would be required to institute timely posting of out-of-state motor vehicle citation data. Second, the RMV has secured the financial and human resources to meet this data entry backlog challenge. Third, the RMV is estimating that the effort needed to clear the out-of-state citation data backlog is approximately three to six months. Fourth, the statutory and regulatory requirements surrounding the posting of out-of-state citation data to a driving record may result in insurance premium adjustments, however, the ability to properly assess risk by the insurer and public safety mitigate this consumer impediment. Fifth, the license suspension and financial impact arguments made by aggrieved operators moving forward are moot, as the posting of out-of-state citation data will occur within statutory timeframes and in a routine and timely manner.

With some 5 ½ million licensed operators in the Commonwealth of Massachusetts, the RMV is seeking approval of its' out-of-state citation data entry remediation plan. The RMV has weighed the institutional, financial and consumer impact against the public safety mandate articulated by this administration and is confident that an expeditious resolution is at hand. The RMV is requesting your support and cooperation in moving this project towards execution.

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Exhibit I:

Costantino, Keith (DOT)

From: Bowes, Tom (DOT)
Sent: Monday, March 20, 2017 6:55 AM
To: Costantino, Keith (DOT)
Subject: RE: Out of State Citations

Excellent,

Thank you,
Tom

From: Costantino, Keith (DOT)
Sent: Friday, March 17, 2017 6:16 PM
To: Bowes, Tom (DOT)
Cc: Lavoie, Sara (DOT); Deveney, Erin (DOT)
Subject: Out of State Citations

Hi Tom,

I just wanted to touch down on the Out of State citations project as the materials have been scheduled for pick up by the warehouse. In the event that there is a request to retrieve information, all of the citations have been organized by state and dated chronologically. I have attached the "tear sheet" of states with a photo of the labeling to assist in retrieval of documentation if and/or when necessary.

Sincerely,

Keith

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Exhibit J:



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Exhibit K:

CONNECTICUT DEPARTMENT OF MOTOR VEHICLES
DRIVER SERVICES DIVISION
80 STATE ST
WETHERSFIELD, CONNECTICUT 06181-1013
PHONE: 860-283-5720
PAGE: 0003
DATE: 05/28/19
DRIVER LICENSE COMPACT VIOLATIONS COMMITTED IN CONNECTICUT RESULTING IN CONVICTIONS

TO: MASSACHUSETTS

OFFICIAL NOTICE THAT THE FOLLOWING DRIVERS WITHIN YOUR JURISDICTION HAVE RECEIVED CITATIONS IN THE STATE OF CONNECTICUT

NAME: ZHUKOVSKYY, VOLODYMYR, V	DOB: [REDACTED]
DRIVER LICENSE JURISDICTION: MA	LICENSE NUMBER: [REDACTED]
CURRENT DRIVER LICENSE JURISDICTION:	CURRENT LICENSE NUMBER:
DRIVER SSN:	CITATION DATE: 05/11/2019
CONVICTING JURISDICTION: CT	CONVICTION DATE: 06/10/2019
COMMERCIAL VEHICLE: YES	HAZMAT:
ACD CODE: A12	ACD DETAIL:
STATE NATIVE CODE: 14227B	COURT REPORT IDENTIFIER: 19002512
COURT TYPE: ADMINISTRATIVE	

PURSUANT TO SECTION 14-3 OF THE CONNECTICUT GENERAL STATUTES, I, DIVISION CHIEF GEORGE WHITE, HEREBY ATTEST THAT THIS CERTIFIED DOCUMENT IS A TRUE COPY AND BASED UPON SUCH CERTIFICATION IS COMPETENT EVIDENCE IN ANY COURT OF THIS STATE OF THE FACTS CONTAINED HEREIN.

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Exhibit L:

Costantino, Keith (DOT)

From: Bowes, Tom (DOT)
Sent: Tuesday, March 7, 2017 7:02 AM
To: Costantino, Keith (DOT)
Subject: RE: Out of State

Same here,
Thanks for following up.
Let's get this started.

From: Costantino, Keith (DOT)
Sent: Monday, March 06, 2017 6:13 PM
To: Bowes, Tom (DOT)
Subject: RE: Out of State

Hi Tom,

I hope she is able to get a quick answer from legal, I will follow up with her tomorrow.

Thanks,

Keith

From: Bowes, Tom (DOT)
Sent: Monday, March 6, 2017 4:19 PM
To: Costantino, Keith (DOT)
Subject: Out of State

Keith,

I spoke with the Registrar this afternoon regarding the above. Looks like we are waiting for Legal before we can start.

Tom Bowes
Director, Merit Rating Board
25 Newport Ave Ext.
Quincy, MA. 02171

Tel: [REDACTED]

Fax: [REDACTED]

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Exhibit M:

Costantino, Keith (DOT)

From: Costantino, Keith (DOT)
Sent: Thursday, February 23, 2017 3:50 PM
To: Bowes, Tom (DOT)
Subject: Re: OOS

Hi Tom,

Thanks for the update, hope we can get confirmation from the Registrar and Governor's office soon to proceed.

Keith

Sent from my iPhone

On Feb 23, 2017, at 3:48 PM, Bowes, Tom (DOT) [REDACTED] wrote:

Hey Keith,
Just wanted to let you know that Tom & I went over to the DOI regarding fast. Near the end of the conversation they asked about the OOS situation and it looks as though when all parties are ready we might start on a certain date and go 6 months back.
Looking good sitting at the table.
Tom Bowes
Director, Merit Rating Board
25 Newport Ave Ext.
Quincy, MA. 02171
Tel: [REDACTED]
Fax: [REDACTED]

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Exhibit N:

To: Bowes, Tom (DOT); [REDACTED]
Cc: Childs, Linda (MRB); [REDACTED]; Moore, Deborah (MRB); [REDACTED]; Zieger, Jeff (DOT); [REDACTED]; Kilburn, Lisa (MRB); [REDACTED]; Cabey, Donna (MRB); [REDACTED]; Bonarrigo, Thomas (DOT); [REDACTED]; Albertz, David (MRB); [REDACTED]; Eaton, Debra (DOT); [REDACTED]
From: Brennan, Donna (DOT)
Sent: Tue 11/22/2016 8:47:16 PM (UTC)
Subject: RE: RMV backlog of OOS records RE: SOC Screen - OOS TYPE field = M not adjudicated

Thanks, I will update the project list.

Donna Brennan
 MassDOT, Merit Rating Board (MRB)
 [REDACTED]

From: Bowes, Tom (DOT)
Sent: Tuesday, November 22, 2016 3:44 PM
To: Brennan, Donna (MRB)
Cc: Childs, Linda (MRB); Moore, Deborah (MRB); Zieger, Jeff (DOT); Kilburn, Lisa (MRB); Cabey, Donna (MRB); Bonarrigo, Thomas (DOT); Albertz, David (MRB); Eaton, Debra (DOT)
Subject: RE: RMV backlog of OOS records RE: SOC Screen - OOS TYPE field = M not adjudicated

Donna,

Project is on hold until the Governor's office has had a chance to review.

Tom Bowes
 Director
 Merit Rating Board
 25 Newport Ave Ext.
 Quincy, MA. 02171
 [REDACTED]
 [REDACTED]

From: Brennan, Donna (MRB)
Sent: Tuesday, November 22, 2016 3:41 PM
To: Bowes, Tom (DOT)
Cc: Childs, Linda (MRB); Moore, Deborah (MRB); Zieger, Jeff (DOT); Kilburn, Lisa (MRB); Cabey, Donna (MRB); Bonarrigo, Thomas (DOT); Albertz, David (MRB); Eaton, Debra (DOT)
Subject: RMV backlog of OOS records RE: SOC Screen - OOS TYPE field = M not adjudicated

Tom,

Whatever happened to the project to add the Out-of-state incidents? Thanks

Donna Brennan
 MassDOT, Merit Rating Board (MRB)
 [REDACTED]

From: Albertz, David (MRB)
Sent: Wednesday, October 19, 2016 9:14 AM
To: Brennan, Donna (MRB); Bowes, Tom (DOT); Bonarrigo, Thomas (DOT)
Cc: Canaan, Kenneth (DOT); Childs, Linda (MRB); Moore, Deborah (MRB); Zieger, Jeff (DOT); Kilburn, Lisa (MRB); 'Chaney, Keith (DOT)'; McCollem, Steve (DOT); Cabey, Donna (MRB)
Subject: RE: SOC Screen - OOS TYPE field = M not adjudicated

One further note. If we decide that we will allow insurers to use OOS information older than 6 months, then we will not have to do anything to prevent it from showing up on the UMO, UM19 or policy inquiry response. We can prevent it from being adjudicated by adding it as a type 'M', but we can allow it to be surchargeable so that no special logic will be needed to set flags in the INCD record.

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Exhibit N (continued):

David Albertz
Consultant
Merit Rating Board
25 Newport Ave. Extension
Quincy, MA 02171

Phone Number: [REDACTED]
Fax Number: [REDACTED]

From: Brennan, Donna (MRB)
Sent: Tuesday, October 18, 2016 5:38 PM
To: Bowes, Tom (DOT); Bonarrigo, Thomas (DOT)
Cc: Albertz, David (MRB); Canaan, Kenneth (DOT); Childs, Linda (MRB); Moore, Deborah (MRB); Zieger, Jeff (DOT); Kilburn, Lisa (MRB); Chaney, Keith (DOT); McCollem, Steve (DOT); Cabey, Donna (MRB)
Subject: SOC Screen - OOS TYPE field = M not adjudicated

Good afternoon,

Here is some additional information that may be helpful to the project team in making decisions around procedures for adding the RMV backlog of OOS records.

Way back in 2000 it was decided that the OOS incidents added by insurance companies should NOT be adjudicated. So in order to prevent adjudication on OOS incidents added by insurance companies, the SOC screen was modified and a new field called **OOS TYPE** was added. See attached SOC Screen field descriptions.

The valid entries for this field is "**R**" for Registry and "**M**" for MRB. An OOS incident added to the database with an "**R**" in the OOS TYPE field is displayed on the MRB's UMO screen, SH screen, included in the RMV driver license adjudication processes and used in the SDIP driving record calculation. An OOS incident added to the database with an "**M**" in the OOS TYPE field is used in the SDIP driving record calculation and displayed on the MRB's UMO screen, but is **NOT** displayed on the RMV's SH screen, and **NOT** included in the RMV's driver license adjudication process. The OOS incidents added by insurance companies via MRB's batch system are displayed on the SOC screen with a "**M**" the OOS TYPE field. See screen prints below.

Employees assigned to MRB offices 0611 and 9000 are the only ones allowed to add an OOS incident to the database with an "**M**" in the OOS TYPE field. When the OOS type is "**M**", a valid insurance company code must be typed in the INS CO field. When the OOS TYPE is "**R**" the INS CO field is not required and will not open-up for entry.

MRB's SDIP calculation logic checks for duplicates (same OOS state and incident date) and eliminates them from the calculation so that if both the MRB and the RMV store the same incident, it will only show up on the SDIP inquiry once.

Unfortunately, this means we will have some more work to do if the decision is made to prevent backlog items older than 6 months from being displayed or used in the SDIP point calculation. The program that is used to store these records will have to make sure it sets the flags properly in the MMVR-INCD-OFNS-R record to make it a non-surchargeable incident.

If you have any questions please feel free to contact me or David Albertz at [REDACTED]. Thank you.


1. OOS Incidents added by insurance company via MRB's OOS Batch Record Application

Note: Remainder of email contains screenshots of driver record, and as such, is not included.

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Exhibit O:

 Occurs every Monday, Tuesday, Wednesday, Thursday, and Friday effective 3/26/2018 until 4/6/2018 from 1:00 PM to 1:30 PM
Accepted on 4/2/2018 3:45 PM.

Organizer: Lee, Daniel (GOV)
Subject: RMV Post Go-Live Twice Daily Check in (1pm)
Location: QHQ Conference C or (646) 749-3112, 858211725 (GoToMeeting link is enclosed)
Start time: Mon 4/2/2018 1:00 PM ☐ All day event
End time: Mon 4/2/2018 1:30 PM

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/858211725>

You can also dial in using your phone.
United States: +1 (646) 749-3112

Access Code: 858-211-725

First GoToMeeting? Let's do a quick system check: <https://link.gotomeeting.com/system-check>

All Attendees

- ☒ Goddard, Jacquelyn (DOT)
- ☒ Tesler, Jamey (DOT)
- ☒ Calhoun, Jack (accelare.com)
- ☒ Pollack, Stephanie (DOT)
- ☒ Donovan, Matthew (accelare.com)
- ☒ Primerano, John (DOT)
- ☒ Lacey, Thomas (DOT)
- ☒ Foster, Gary S (MBTA)
- ☒ Withington, Mark (accelare.com)
- ☒ Simmons, David (accelare.com)
- ☒ Valente, Ralph R. (DOT)
- ☒ Lavoie, Sara (DOT)
- ☒ Lee, Daniel (GOV)
- ☒ Oallivie, Colleen (DOT)
- ☒ Harris, Jordan (EOTSS)
- ☒ Wadia, Patricia (DOT)
- ☒ D'Arbeloff, Mindy (GOV)
- ☒ Tibma, Mary (DOT)
- ☒ Nunnally, Mark (EOTSS)
- ☒ Coldstream, Crain (DOT)
- ☒ Mahoney, Elizabeth K. (GOV)
- ☒ Chabot, Emily K. (GOV)
- ☒ Pinlaw, Sarah (GOV)
- ☒ Sprague, Kaitlyn C. (GOV)
- ☒ Moss, Brendan C. (GOV)
- ☒ Lepore, Kristen (GOV)
- ☒ Zaphiris, Sarah (DOT)
- ☒ Steven Kadish (stevenkadish.com)
- ☒ Guyton, Elizabeth (GOV)
- ☒ Dixon, Lisa (GOV)
- ☒ Deveney, Erin (DOT)
- ☒ Vaulin, Michelle (DOT) <snid...>
- ☒ Gleason, Margaret (DOT)
- ☒ Barrera, Joel (GOV)
- ☒ MENAdmin <MENAdmin@dup...>
- ☒ Bowes, Tom (DOT)

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Exhibit P:

Cabey, Donna Y. (DOT)

From: Bowes, Tom (DOT)
Sent: Thursday, August 30, 2018 10:58 AM
To: Cabey, Donna Y. (DOT)
Cc: Ruffin, Patricia A. (DOT)
Subject: RE: PRR

OOS has not been processed since Release 1 as our work is priority.

From: Cabey, Donna Y. (DOT)
Sent: Thursday, August 30, 2018 10:40 AM
To: Bowes, Tom (DOT)
Cc: Ruffin, Patricia A. (DOT)
Subject: FW: PRR

Tom,
Sorry forgot to add that I am not familiar with what has been decided for the submission of OOS records. The reply is due on 9/7. I have to reply through GovQA.

Thank you for your help,

Donna

From: Cabey, Donna Y. (DOT)
Sent: Thursday, August 30, 2018 10:31 AM
To: Bowes, Tom (DOT)
Cc: DaSilva, Sofia (DOT) [REDACTED] 'Cabey, Donna (MRB)'
Subject: FW: PRR

Tom,
Please the request below.

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Exhibit Q:

MassDOT Special Projects Audit of Merit Rating Board



**RMV Merit Rating Board (MRB) - Special Projects Audit
Preliminary Audit Findings- Final**

Prepared by: Audit Operations- Special Projects Manager, Brie-Anne Dwyer

Meeting with Director of the MRB

Date: April 3, 2019, 1pm

Currently, MassDOT Audit Operations Special Projects is performing an audit of the RMV Merit Rating Board. One of the objectives of our audit is to determine if policies, procedures and internal controls are in place and being consistently adhered to, and to provide recommendations for management to help mitigate internal control deficiencies within the MRB Department. As a result of our audit fieldwork to date, we have identified the following three preliminary audit findings:

- **Finding #1 – OOS Conviction Queue Open Tasks**
 - While researching in ATLAS, we identified an open queue for OOS Convictions with 12,829 open tasks. According to G.L. 90 § 22(c), the MRB is required to enter convictions to customers' records upon any written notifications.
- **Recommendation #1**
 - We recommend that the MRB give these open tasks to the Driver Control Unit (DCU) since they initially handle these requests.
- **Director's Response #1**
 - Merit Rating Agrees with this finding and is planning to transfer to the Driver Control Unit within 60 days, June 28, 2019.
- **Finding #2 – Application of Customer Payments**
 - There are a number of payment transactions where customers mail in citations, either to pay their citations or to request hearings, and the payments are not being applied timely. Currently, the MRB CMVI Payments Unit is working on June, 2018. In accordance to G.L 90C § 3, a customer has twenty days to comply.
- **Recommendation #2**
 - We recommend that the MRB grant hearings whether or not the customers paid the citations. Customers who initially sent in requests for hearings within twenty days should be granted hearings even if they paid their tickets prior to the hearings. Customers are not given due process to appeal citations. Refunding the customers \$25 should not be the option.

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Exhibit Q (continued):

MassDOT Special Projects Audit of Merit Rating Board



- **Director's response #2**
 - If CMVI were to grant hearing on these items it would cause major issues with the courts. Payments on citations would need to be reimbursed along with Late and Release fees. We have been working with FAST and we are now able to see up to 10,000 rows for which we can now work the oldest to newest, the backlog should be cleared up within 90 days, July 31, 2019.
- **Finding #3 – Safeguarding and Monitoring Customer Funds**
 - We noticed a lack of safeguarding and monitoring of customers' monies.
- **Recommendation #3**
 - The MRB should strengthen physical security by installing security cameras in areas where customers' payments are being processed. In addition, updated policies and procedures need to be implemented to ensure the security of both the mail and payments. At no time should monies be left unattended. All monies should be placed in a safe for safekeeping when staff leaves the processing area.
- **Director's response #3:**
 - We discussed with the leader of CMVI that going forward, when an employee is leaving the area and there are checks on the desk, the checks are to be placed in the desk drawer and locked. The key should stay with the employee. This went into effect immediately once brought to the MRB's attention.
 - The previous audit also suggested placing cameras in areas where customers' payments are being processed. This was discussed with Labor Relations and we were informed that this would have to be negotiated with the Union. We have not heard back from Labor to date which is still in on-going discussion.

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Exhibit R:

Sent: Tue 3/19/2019 4:24:06 PM (UTC)
Subject: Out of State

Registrar,

There are currently 44 mail trays going back to March 2018 that contain the out of State moving violations. Each tray holds between 25-40 envelopes.

Based on the training and research needed to key these into ATLAS it is my estimation that we would need approximately 5 FTE's in order to get this under control and to be able to sustain going forward.

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Exhibit S:

Work Group

Work Group 068

Work Group: 068

Work Group

Owner

Valid

Interactive

Description

MRB - QC - Criminal

wongka

True

False

Queues

Employees⁸

Administrators⁹

Tasks^{13,117}

Denied⁸

Cross Reference

Queues: MRB - QC - Criminal

Hide History

Method	Id	Queue	Description	Assigned	Available	Total
Round Robin						
	031	MRB - COURT Criminal Citation Process		3	2	5
	037	MRB - Quality Control Review		0	0	0
	207	MRB - MRB Criminal Citation Update Re		0	0	0
	208	MRB - Out of State Conviction Inquiry		0	0	0
	220	MRB - Citation Review		0	0	0
	232	MRB - COURT QC Processing Error Crti		61	1,781	1,842
	244	MRB - COURT Citation Batch Item Error		79	5,402	5,481
	285	MRB - Citation Batch Error		0	0	0
	367	MRB - VIOLATOR Criminal Citation Proc		0	0	0
	368	MRB - ECITATION Criminal Citation Proi		0	0	0
	369	MRB - POLICE Criminal Citation Process		0	0	0
	366	MRB - VIOLATOR QC Processing Error		0	0	0
	367	MRB - ECITATION QC Processing Error		0	0	0
	368	MRB - POLICE QC Processing Error Cri		0	0	0
	395	MRB - Criminal Court Citation Mismatch		31	4,435	4,466
	409	Arrest Citations		25	1,278	1,303
	410	Warning Citation		0	0	0
	416	Criminal Citation Reversed		0	0	0

19 Rows

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Exhibit T:

Work Group Work Group 005						
Work Group: 005						
Work Group : Driver Licensing - Support - AAMVA						
Owner : scripsin						
Valid : True						
Interactive : False						
Description :						
Queues Employees ⁵ Administrators ³ Tasks ^{79,020} Denied ⁰ Cross Reference						
Queues: Driver Licensing - Support - AAMVA						
Method	Id	Queue	Description	Assigned	Available	Total
Round Robin						
	352	Invalid Conviction Form		34	12	46
	397	AAMVA Add Conviction & Withdrawal It		0	0	0
	400	Multiple RDs returned from Inquiry		25	12	37
Oldest First						
	006	SPEXS Override	Review and Override Request	1	1	2
Oldest First						
	049	AAMVA/SPEX Work Items - Priority	SPEX Group- Priority & S2S Bulk Files	55	35,665	35,720
Oldest First						
	050	AAMVA Work Items	AAMVA Work Items & Possible Duplicates	16	22,292	22,308
Oldest First						
	200	DL - Issuance Reversal		0	2	2
Oldest First						
	010	ADA Exam Assistance		0	0	0
Oldest First						
	007	Returned Credentials - Re-Mail		0	26	26
	398	NDR PDPS Inquiry Results		57	21,703	21,760
Oldest First						
	008	Returned Credentials - Destroy		0	6	6
Oldest First						
	009	Returned Credentials - Send to Service t		0	13	13
21 Rows						

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Exhibit U:

From: Deveney, Erin (DOT)
Sent: Monday, December 4, 2017 2:40 PM
To: Tesler, Jamey (DOT);Englander, John (DOT);Breen, Marie (DOT)
Subject: UPDATED Merge Records Issue
Attachments: Merged Records Memo to Counsel v.12.4.17.doc

Attached is an updated memo on the merged records issue.

What I don't think I made clear is that the data conversion aspect of the ATLAS program has given us the opportunity to address the existence of multiple records in a more systemic manner. Currently, we do correct multiple records and make corrections to driving histories, if needed; however, it is done so on a case-by-case basis currently. With ATLAS, we have the ability to do a large scale action.

There are 529,721 "pairs" of multiple records. At most, there would be 264,860 customers with more than 1 record in the system; however, this number could be smaller if a person had 3 records, as opposed to just 2. Of this 264,860, there are 56,703 that have an active suspension and would be interacting with the RMV already to get reinstated and 208,157 that would be facing a notice about new suspension action being implemented.

The worst case option is that the RMV would have to manually review up to 264,860 records to make sure the histories are correct, if FAST can't update those records for suspension purposes in an automated fashion. If prior offenses are recorded only for historical purposes, then neither the FAST or the manual work would be needed.

Thank you.



Erin Deveney, Registrar
MassDOT RMV Division
10 Park Plaza, Suite 6620
Boston, Massachusetts 02116



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Exhibit V:

	<p>Charles D. Baker, Governor Karyn E. Polito, Lieutenant Governor Stephanie Pollack, Secretary & CEO Erin C. Deveney, Registrar</p>	 <p>massDOT Massachusetts Department of Transportation Registry of Motor Vehicles</p>
<p><u>MEMORANDUM</u></p>		
<p>TO:</p>	<p>Jamey Tesler, MassDOT Acting Chief of Staff</p> <p>Marie Breen MassDOT General Counsel</p>	
<p>FROM:</p>	<p>Erin Deveney Registrar</p>	
<p>DATE:</p>	<p>December 4, 2017</p>	
<p>RE:</p>	<p>Impact of Merging Multiple Records in ATLAS</p>	
<p>The Registry of Motor Vehicles is completing the development requirements for the new ATLAS system. One of the business requirements that must be finalized is the impact of merging records when an individual is determined to have multiple records in ALARS and the merging of offenses on the driving record could have an impact on the individual's right to operate.</p>		
<p><u>Background</u></p>		
<p>Individuals should only have one record on file in ALARS. Unfortunately, there are instances in which the same person has multiple records.</p>		
<p>For example, a person that was issued a citation while driving on an out-of-state license would have an "A number" in ALARS and the violation would be on the driving record associated with the A number. If that same person later moves to Massachusetts and is issued a driver's license, the person would also have an "S number" in the system if the RMV staff did not do a search for the person based on demographics (name, DOB, SSN) to find a prior record and instead created a separate new record for the person. Likewise, there are instances in which a person had a prior driver's license or ID number with an assigned S number; they leave the state; and when they come back to the RMV, the staff creates a new record with a new S number, instead of updating the former record.</p>		
<p>The existence of multiple records in ALARS creates a problem when there are violations on each driving record and the merging of those records has a potential to cause additional suspension activity.</p>		
<p>PO Box 55889 • Boston MA • 02205 Tel: 857-368-8000 • TDD: 877-768-8833 www.massrmv.com</p>		

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Exhibit V (continued):

In the current ALARS environment, there is a manual modification process that takes place when it is identified that the same person has multiple records in the system. The records are merged; ALARS processes any cumulative event suspensions; and RMV hearings officers manually correct the record to ensure that the proper suspension sanction is imposed.

Volume of Records

The RMV anticipates that there are at a maximum 264,860 customers that have multiple records in the system with the potential to have subsequent suspension issues when the records are merged.

Of these records, 56,703 have an active suspension being served. These customers would be interacting with the RMV in any event because they have at least 1 suspension to resolve, so sending them an updated notice of modified suspension action could be addressed in the normal course of business with the RMV.

It is the remaining 208,157 customers that would have believed they resolved their prior issues and would be receiving a new notice of suspension action, which could be confusing to them.

Issue Resolution - Merged Records Process

Examples of the issues to be decided are included below. Please note that these are test cases that reflect actual customer fact patterns; hence the use of the same numbers associated with the records in each scenario.

Scenario # 1 Customer with Active Driver's License record that is merged with a suspended record and potential for a cumulative suspension due to the merging of incidents

Non Survivor Record – [REDACTED] (record that is merged in ATLAS) includes:

Incident Date: 01/15/15
Offense Type: Drag Racing
Offense Description: MGL 90/17B
Disposition: Responsible
Disposition Date: 02/15/15
Suspension Period: 30 Days
Customer - Never Reinstates or Pays Fee

Exhibit V (continued):

Reinstatement Fee = \$100
Suspended Indefinitely due to owing the reinstatement fee

Survivor Record – [REDACTED] (record that would be the dominant record in ATLAS)
includes:

Incident Date: 06/15/15
Offense Type: Drag Racing
Offense Description: MGL 90/17B
Disposition: Responsible
Disposition Date: 08/15/15
Suspension Period: 30 Days
Customer - Reinstates & Pays Fee
Reinstatement Fee = \$100
Active License

Had two records not existed for this customer, the customer should have served a 180-day suspension in 2015 for the 2nd drag racing incident. That did not happen because there were multiple records for the operator.

For illustration purposes, ATLAS will perform a post conversion data cleanse effort to merge active suspension records with survivor records. The date of the above merger occurs on 6/1/18. As a result of the adjudication rules, the merged offense and suspension for the [REDACTED] record would be added to the survivor record [REDACTED]

Options for Handling in ATLAS-

1. Carry over and merge the prior offense to the individual's surviving record, but only include the offense on the driving record for historical purposes and take no suspension activity because the RMV did not act on it initially.
2. Merge the records and impose the suspension actions that should have taken place originally, if the second record was not created in error by the RMV. This scenario would include addressing the outstanding suspension and trigger a cumulative suspension. Steps would include:
 - a. Generate a notice that the RMV records identified an out standing suspension that needs to resolved (reinstatement fee owed).

Exhibit V (continued):

- b. Also generate a notice that informs the customer that they have 10-days before a 180-day suspension is to take effect for having 2 drag racing offenses in a 3-year period, i.e. 2 drag racing offenses in 2015.
 - i. The operator could be credited with time served (30 days) for the suspension and only have to serve the remaining time (150 days).
 - ii. Likewise, the operator could be credited for the reinstatement fee already paid.

Scenario # 2 Customer with Multiple OUI Records

Non Survivor Record – [REDACTED] (record the would be merged in ATLAS)

Incident Date: 01/15/15
Offense Type: OUI – First Offense
Offense Description: MGL 90/24
Disposition: Guilty
Disposition Date: 02/15/15
Suspension Period: 1 year
Customer - Never Reinstates or Pays Fee
Reinstatement Fee = \$500
Suspended indefinitely for non-payment of the reinstatement fee

Survivor Record – [REDACTED] (record that would be the dominant record in ATLAS)

Incident Date: 06/15/16
Offense Type: OUI – First Offense
Offense Description: MGL 90/24
Disposition: Guilty
Disposition Date: 08/15/16
Suspension Period: 1 year
Customer - Reinstates & Pays Fee
Reinstatement Fee = \$500
Active License

If two records did not exist for this customer, the RMV would have treated the second OUI conviction as a second offense because at the time of the arrest (6/15/16), the operator already had a prior conviction (2/15/15) on the record.

Exhibit V (continued):

For illustration purposes, ATLAS will perform a post conversion data cleanse effort to merge active suspension records with survivor records. The date of the above merger occurs on 6/1/18. As a result of the adjudication rules, the merged offense and suspension from [REDACTED] would be added to the survivor record [REDACTED]

Options of Handling in ATLAS

1. Record the first OUI on the record for historical and lifetime look back purposes to be considered for future suspension action.
2. Record and trigger a cumulative suspension. This new suspension is for 2 years due to the 2nd OUI finding within a lifetime period. The reinstatement fee would also increase to \$700 based upon a 2nd OUI finding. This recalculation also requires an Ignition Interlock Device installation upon license reinstatement.

This scenario would include addressing the outstanding suspension and trigger a cumulative suspension. Steps would include:

- a. Generate a notice that the RMV records identified an out standing suspension that needs to resolved (reinstatement fee owed).
- b. Also generate a notice that informs the customer that they have 10-days before a 2-year suspension is to take effect for having 2 OUI offenses
 - iii. The operator could be credited with time served (1 year) for the suspension and only have to serve the remaining time (1 year).
 - iv. Likewise, the operator could be credited for the reinstatement fee already paid.
 - v. The operator would have to have the ignition interlock device for 2 years following reinstatement, plus for any period that they had a hardship license for remaining 1-year suspension for the 2nd offense OUI.

Scenario # 3 Customer with Multiple Civil Traffic Violations

Non Survivor Record – [REDACTED] (record the would be merged in ATLAS)

Incident Date: 03/15/17
Offense Type: Speeding
Offense Description: MGL 90/17
Disposition: Responsible

Exhibit V (continued):

Disposition Date: 04/4/17
Suspension Period: Indefinite
Customer – Never Pays Fee
Reinstatement Fee = \$100
Suspended indefinitely for non-payment of the reinstatement fee

Survivor Record – [REDACTED] (record that would be the dominant record in ATLAS)

Incident Date: 07/14/17
Offense Type: Speeding
Offense Description: MGL 90/17
Disposition: Responsible
Disposition Date: 07/31/17
Suspension Period: None
Active License

Incident Date: 09/15/17
Offense Type: Speeding
Offense Description: MGL 90/17
Disposition: Responsible
Disposition Date: 10/11/17
Suspension Period: None
Active License

If two records did not exist for this customer, the RMV would have generated a 30-day suspension for accumulating 3 speeding tickets in a 12 month period and a requirement to take a driver retraining course for accumulating 3 surchargeable offenses or be suspended until the class is completed.

For illustration purposes, ATLAS will perform a post conversion data cleanse effort to merge active suspension records with survivor records. The date of the above merger occurs on 6/1/18. As a result of the adjudication rules, the merged offense and suspension from [REDACTED] would be added to the survivor record [REDACTED]

Options of Handling in ATLAS

1. Record all the speeding tickets on the merged record for historical purposes to be considered for future suspension action.
2. Merge the records and impose the suspension actions that should have taken place originally, if the second record was not created in error by the RMV.

Exhibit V (continued):

This scenario would include addressing the outstanding suspension and trigger a cumulative suspension. Steps would include:

- a. Generate a notice that the RMV records identified an out standing suspension that needs to resolved (citation money and reinstatement fee owed).
- b. Also generate a notice that informs the customer that they have 10-days before a 30-day suspension is to take effect for having 3 speeding tickets in a 12-month period, plus the notice requiring the individual to take the driver retraining course in 90-days to avoid suspension.

Summary

A decision is needed on how these records will be processed in order for the ATLAS development work to be completed.

The RMV can continue to use current process and review each of the 264,860 records manually to ensure that the records show the suspensions correctly after the records are merged in ATLAS, with particular focus on the 208,157 records that do not have a current suspension period being served. This process, while labor intensive, will end up imposing suspensions on customers who in ALARS would not have had their suspensions corrected and updated if they had not future infractions or reasons to look at their driving history. The RMV will continue to work with FAST to see if any of this work can be done in an automated fashion.

Recording offenses for historical purposes without adjudicating new suspensions will have the least negative impact on the customer. It is a continuation of current state for the customer essentially, with the exception that any new incidents or infractions that take place after March 26, 2018 when ATLAS goes into effect will be able to count against them.

In either case, insurance companies and prospective employers will be able to see the customer's full driving record of offenses and will be able to take that information into consideration, as appropriate.